

Liberty Invaded;

OR, THE

Remarkable CASE

OF AN

ENGLISH LADY,

Presumptuously held

In a SLAVISH Imprisonment,

WITHIN THESE

HIS MAJESTY'S DOMINIONS,

Without CRIME Against,

OR

Any DEMAND Upon HER.

By John Baldwin

ADDRESSED to the

Honourable HOUSE of COMMONS.

Is Albion's once-fam'd Spirit wholly flown?

Shall Britons under worst of Slaveries groan,

In Mankish Jails immur'd!—

What! Shall the Fair, whose Right is to be free,

Crimeless in Dungeons mourn lost Liberty?

And England not resent the base Indignity!

L O N D O N :

Printed for, and Sold by W. OWEN, near Temple-Bar;
and G. WOODFALL, near Charing-Cross. 1750-L.

(Price One-Shilling.)

Every Sunday;

OF THE

Remarkable C. A. & E.

ENCASHED LADY,

in a novel and important

and most interesting

and most interesting

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T O

The HONOURABLE
REPRESENTATIVES
OF THE
PEOPLE in PARLIAMENT
ASSEMBLED.

Most Honourable GENTLEMEN,



SHALL introduce this humble Address, by the most apt Allusion I can think of, which is, that I have met with in my Travels, and beheld with equal Admiration and Delight, an expanded

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panded Fountain of pure, living Water, springing up incessantly through Crevices innumerable. Flowing from this Source, it took its way, in a huge, unfullied, chrystal Stream, to the indispenfible Well-being, and the invariable Comfort, of all the Inhabitants of the Land.

Thus in like manner, You, the august Affembly whom I fubmiffively Address, are, by Voices next to innumerable, throughout all the Counties, Cities, and Boroughs of this Realm, felected as their precious Choice into one awful Body; for the Benefit, Well-governing, and Protection of the whole.

To You, therefore, honoured SIRS, we all look up for Redrefs of every material Grievance. You it is, who frame wholefome Laws for the Happinefs of Society in general, amend and make more effectual fuch as answer not fully the Intent, and totally abolifh thofe productive of greater Evils than Good. Upon You, likewise, the
 People

People depend, to remove from them all pernicious things, which, by fatal Experience are known to operate upon the Body politic, as Consumption in the Body natural, or Canker in Fruit-Trees. Now, if any thing of this Nature should appear, there is no room left to doubt Your Diligence and Perseverance in well-doing.

The Cause, Gentlemen, of this humble Address, is, to lay before Your Honours, some Grievances of a most singular Nature, sprung up of late Years within the ISLE OF MAN. And for which, (as all Matters now stand circumstanced) I, by long and painful Experience have learned, that no final Redress can be obtained only by Application to You, the Root and Foundation of Power.

The following Case, I will be bold to say, is such, as never yet came before a *British* Parliament, wherein, I presume it will manifestly appear, that, not only the Liberty of the People is strangely invaded, but by an

audacious Exertion of assumed Power, Your own Authority contemptuously over-ruled and spurned at, by *that petty Community of His Majesty's Subjects.*

The Council there, are stiled the *twenty-four KEYS of the Isle*; but I am forward to believe, that, the *Master-Key* yet remains in *England*; and therefore, as they (herein) dispute this Point, it may perhaps by diligent Search be found, a Door then opened, and some most useful Discoveries made *from within.*

I only beg leave to add, that as You, already, have given the most solid and lasting Proofs of steady Attention to the real Interest of Your Constituents and the whole Community, so, every fresh and remarkable Instance of so glorious a Work, must operate powerfully in the Hearts, and make yet deeper and deeper Impressions upon the Minds of a grateful People; particularly all such as are truly Well-wishers to their King,
their

their Country, and themselves. And as it ever was, so it is, and ever will remain an indelible Truth, that those who most eminently distinguish themselves in promoting the public Weal, and preserving inviolate the Liberties of the People, best deserve the honourable Seat, as long as the Lord shall spare them Breath and Abilities to fill it.

I am, SIRs, from a true Spirit of Loyalty to the King; and from the most ardent Desire for the Glory, Safety, and Happiness of His Kingdoms,

Honoured GENTLEMEN,

Your Most Devoted,

Most Humble,

And Obedient Servant,

JOHN BALDWIN.



Advertisement to the Reader.

IN the Month of June, 1748, I published by way of Introduction, a summary Account of the PRISONER'S Oppression in the Isle of Man, together with a Sketch of their Laws, Powers, and Practices of Court, all opposite to such Oppression; and addressed the same to the Right Honourable the Lord High Chancellor, (then a Lord of the Regency;) in answer to which, His Lordship declared, that no one would more willingly redress a Grievance than he himself, but that, instead of such an Application to him, it ought to have been made in a more public way. Whereupon, (having previously petitioned the Lord of the Isle, and then His Majesty, as set forth in that Pamphlet) I was at a loss what further to do. However, in hopes of stirring up an effectual Spirit of Enquiry in every Quarter, I then undertook and went through a Number of personal Solicitations, till I had tired myself out, in vain; drawing up at the same time, an exact State of the PRISONER'S whole Case, and all their Proceedings thereon, calculated for, and then dedicated to, their Excellencies the Lords of the Regency; but as I had set forth in the first

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first Part, that the second (with a Detail of the whole Procedure) would speedily be published; thus, by the Time it was prepared, I received a Letter from the Isle of Man, telling me, that an Order was near resolved on, to have my said first Complaint burned there, by the Hands of the common Hangman.

Then again, I received another Letter from thence, beseeching me earnestly, "not to attempt publishing the second Part, till she had a Prospect of getting out of their Power, or till further Advice; unless I was sure and certain it would be of very great Service to the PRISONER, for that she has been kept VERY CLOSE, since the first appeared." Hence, we are taught, that, instead of her Relief, the said Complaint produced her greater Distress, so as to terrify her from laying open their oppressive Proceedings, or even seeking her Protection where justly due. Finding such an arbitrary Spirit of Violence there, and every where Calmness here, doubly perplexed, in being confined to Time, in a Contrariety, (that is, delayed in publishing the Grievance—and His Majesty expected Home daily) I was forced to lay that Pamphlet to the Regency aside.

Nevertheless, as I had stedfastly resolved (upon various—and material Accounts) to stick to the Cause to the very last, therefore, in some Time after His Majesty's happy Return

turn in the Year 48, I drew up a second Petition in Behalf of the PRISONER, and preferred it along with two other Complaints, against her Oppressors; in order to have the three humble Petitions laid before his Majesty in Council; and, having afterward paid my continual Attendance at the Committees of Council, a Motion was thereon made in August last; but, as it appeared to be Matter of Moment, and other pressing Affairs intervening, the Consideration thereof was post-poned. And upon the 17th Day of last December, I received as a final Answer, that, the Parties aggrieved must first appeal to the Lord of the Isle. Now, this being the Case, here the Hitch lies, (as minutely set forth in the first Publication) and therefore finding that all, pinned down to that Condition, must die away, or evaporate like the Morning Dew; I have now at last, and as the last Effort, applied for Redress in the most public (and I hope effectual) Manner possible. And if this Application is what the Right Honourable the Lord High Chancellor hinted in June 48, would to God, for very particular, and no less extraordinary Reasons, (abstracted from these Complaints) that, I had taken his Lordship's Advice, without further Loss of Time.

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LIBERTY

INVADED.

WHENEVER a grievous Misfortune or sad Accident befalls a Person, the first Questions generally ask'd, are, who and what the unhappy Sufferer is? And therefore to gratify that Curiosity natural to most Men, I am induc'd to give my Patriot Readers, a concise Account of this oppressed Lady, linkt to a Chain of Miseries attending her, the rather, as it will lead me Step by Step into the Merits of an unparallel'd Case, and shew how (guiltless on her Part) she has been stripp'd in these His Majesty's Dominions, of the Liberty inherent and by Law confirm'd to the Sex.

First then, she is Daughter to Mr. *Shepard*, a Gentleman of the Law, late of *Somersetshire*, and was left an Orphan, without Uncle, Aunt, or Brother, though carefully educated, under the Tuition of a discreet
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Grandmother near *Bristol*, known by the Name and Title of *Madam Hart*. When grown up to the Years of Maturity, she married Mr. *James Justinian Hingston*; and from this Union, I, consequently must treat of both, as but legally one, till we find them afterwards unlawfully made two of again.

The said Mr. *Hingston* was born in *London*, genteely educated, pass'd current about *Bristol* as a Gentleman possess'd of 300 *l. per Annum*, and 1000 *l.* ready Cash. Hence she imagined, that her Person and Fortune were prudently disposed of; but soon to her Sorrow found, that his Income was scarce 100 *l.* yearly; that his ready Cash was all dispersed, and that he had run himself considerably in Debt, by former Profusion, in Musick, Dancing, Drink and Dress; insomuch, that she had the Mortification of seeing him arrested, of giving up at under Value, her (late) Moiety of the Family Plate, Jewels, &c. left her by her Parents; and likewise, to see the annual Income of her said Husband's Estate assigned over to pay a smart Ballance unsatisfied, obtaining for themselves, but a scanty Allowance whereon to subsist.

Being reduced to this melancholy Condition, they went to *Ireland* for Cheapness, where, she prevailed on him to take a small Country Farm to help their Support, and to get him out of the way of immoderate Drinking, to which he is too much addicted; and there they remained near five Years, e'er the

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Estate was clear, she, rubbing through many Difficulties, which, ever before, she had been a Stranger to; and although she is well known to be a most temperate Person herself, and as remarkable an Oeconomist; yet, such is her farther hard Fate, that Mr. *Hingston* (unexperienced in Farming) fell in Arrears of Rent, and at the same time (being unusually pinch'd) run up some moderate Accounts on Credit, among which, the liquid Ones bore a Proportion. As soon as the *English* Debts were discharged, and his Title-Deeds returned him, fresh Actions were taken out for these new Debts in *Ireland*, of which, having just Suspicion, he went directly to the Isle of *Man*, leaving his afflicted Wife in Want behind him.

Whereupon she, (in *Ireland* also unmolested) did, by frequent Solicitations, obtain from his Creditors, a Letter of Licence, and three Years Time for him to pay his Debts; which Contract being accomplished, and his Tenants having remitted him about 40*l.* to the said Isle of *Man*, she also went thither, flushed with fond Hopes of returning speedily with her Husband, of sitting themselves down in Comfort, and of sending a prevalent Messenger for the only Child she ever had, who all this time (pitiable Woman) was detained in the Hands of his Nurse at *Hannam* near *Bristol*. But to heighten her Grief, she, upon her Arrival in the said Isle of *Man*, was soon made woefully sensible, that her Husband had got

out of a Rivulet into a Deluge, *French Brandy* (by huge Ship Loads) paying no more than one Penny *per Gallon* Duty, THERE, in the very *Heart* of the three Kingdoms. *

This being the Case, Mr. *Hingson*, some of the Publicans, and his own Man-Servant (whom he intrusted to keep his Accounts) tipp'd heartily at his Expence, who is generous to a Fault, when warm'd with Liquor, and so became their easy Prey; insomuch that she (believing no extravagant Credit could so suddenly be had for a Stranger, and at the very Crisis she thought to surmount all Hardships) poor Gentlewoman, was unexpectedly plung'd into deeper Distresses than ever; the said Remittance having discharged but little more than half the Publicans Demands, all run up within the Space of ten Months. † Mr. and Mrs. *Hingson* being by this Extravagance obliged to wait till more

Rents

* From whence, in vast Quantities, it is openly diffus'd and continually circulating into the *Body* on every Side, to the fatal Exclusion of so much *British* Rum, treble Freight, Ships, and double the Number of Seamen, beside the Non-employment of thirty different Kinds of Artificers; all *English*, thus supplanted by *French* and other Foreigners, to the manifest Prejudice of His Majesty's Three Kingdoms and Colonies Abroad.

† If any one shou'd deem these Expences to be trifling, or possible to be consum'd by one, or two, in so short a time, let him first consider how many hundred Pounds that Liquor wou'd amount to, if drank here, where even our own *British* Rum pays four and fifty times as much Duty and Charges as *French* Brandy pays there—Brandy, nevertheless, excluding Rum as aforesaid, &c. and &c.

Rents fell due, the Contract in *Ireland* was unperform'd and void ; upon which his Landlord there set about running him to an Outlawry.

In this melancholy Situation, she prevailed to have the Servant discharged, and us'd all gentle Means imaginable with the inveigling Publicans and her Husband, to prevent any further Excess ; and as this declin'd, so did the Publicans usual Fondness, who then began to put Mr. *Hingslon's* Spirits in high Fermentation another way, he being twice a Prisoner in Custody, and twice more frighten'd with two other Actions, unexecuted ; the last of which serving as an Auxiliary to an Account, wherein was thirty Shillings evident Over-charge ; and altho' he was heavily threatned with Confinement, yet he did not comply, till the Bulk of said Over-charge was struck off, and then pass'd his Obligation for the whole Remainder.

Being thus, and otherwise, often imposed on, and continually alarm'd with the Terrors of a Prison, he quitted the Isle privately, tho' not fraudulently ; having first deliver'd up to his Creditors, all the Title-Deeds of his Estate as their Security. Nevertheless, they (in Contempt of many high Authorities) had eight several Actions granted them against HER, the innocent Wife, the bitter Sufferer from the Beginning, and seized her in her Lodgings at near Eleven at Night, as she was quietly going to Bed.

Upon this Outrage, she begg'd to see her Landlord, and then assured him, in the Presence of several other Creditors, that, she neither believed, nor knew, of any premeditated Design

sign to defraud them; that she had no Acquaintance before with any Soul in the Island; that, she would not desire to stir out of *his* Doors, but as they saw fit; that, all the Title-Deeds aforesaid were in *his* own Hands; and that every one of the Creditors would be honestly paid; moreover, that she herself had no evil Intent, nor Power to execute it, if she had; and therefore, as they were otherwise secure, beseeched them not to use her cruelly, for Profusion in Punch overflowing, which some of themselves had encouraged her Husband to, and were also deep Partakers of; more especially as she, at the very time of their Merriment, was reduced to great Distress in another Country: But regardless of all these affecting Truths, they dispatch'd her in Custody a-cross the Isle, and barbarously committed her, into the Body of a common Goal*.

At the next monthly Court, she appear'd to the first Action called, which, by their Custom is the last Action taken out, and this prov'd to be at the Suit of *John Farran* an *Irishman*, encourag'd thereto by the seven Examples or Actions before him; upon which, her Lawyer with the utmost Deference, address'd the Court in these Words, *viz.* " May " it please Your Honour and Worships, I " humbly

* Such was their inhuman and illegal Violence, that the earnest Entreaties of several Bystanders could scarce restrain them from sending her into an old Castle in Ruins and Dirt, in an adjacent little Isle, at Eleven at Night, in Wind and heavy Rain in the Month of *Jan.* as if the Landlord's House were not strong enough to hold *his* lone, helpless Wife the rest of that one Night.

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"humbly apprehend it is a Thing impracticable, to imprison a Native of *England* under Covert Baron, for her Husband's Debts, contrary to the *General Laws* of that Kingdom, which extend to this Isle as well as to all His Majesty's Plantations; and I beg Leave also to observe, that by the *Act of Settlement* of this Isle in the 7th of *James* the First, that my Client's Liberties are sav'd and reserv'd, as if said *Act* had never been made; and therefore I humbly move, that Reference may be had to that saving Clause, which I have here ready to produce." He at the same time gently drawing the Act out of his Pocket, upon which the principal Judge started, and with an austere Countenance silenc'd him with this Laconick, but, significant Sentence, viz. "Sir, you have a particular way of Arguing which no Man else has, and I wonder at your Assurance, in presuming to mention what you know has been *over-ruled*." Here it ended, and a Decree against her resolv'd on. Now, whether that was a fair Trial, and what Authority it is which over-rules the *general Acts* of a *British* Parliament in *British* Dominions, stripping thereby the native *English* of their dearest Privileges, is, most dutifully submitted to those to whom it properly appertains.

Her Lawyer, Mr. Gill, being put to Silence, Mrs. *Hingson* herself address'd the Court, and, in pitiable Terms represented her own

own Grievance and the base Impositions upon her Husband, whereof, as a Specimen, I beg leave to recite one only, which is, that Nine Quarts of Punch were drank within the Space of three Hours, of which, not even Mr. *Hingson* himself, either saw, knew, or tasted a Drop: And this, six Months before ever she, the imprison'd Wife, arriv'd in that Isle, and at the very time in which she was reduc'd to drink Water six Weeks successively in another strange Country, namely *Ireland*; where she then must have perish'd, had she not made her Case known, and been afterwards supported by the Courtesy of her new Acquaintances there, (wonderful Cause of Action against *her* in the *Isle of Man*!) And therefore, she humbly hoped, that, out of Compassion, their Honours wou'd not condemn her, for the above, and such like Extravagancies in her Absence, in which she was no way concern'd, nor had Power either to prevent or remedy; especially as there had been more Money paid those Publicans already, by her Husband, than wou'd have plentifully supported him all the time.

This being set forth, she caus'd his Creditors to produce the Title-Deeds, alledging them to be good Security; whereupon, the Governor view'd them, and declar'd, that, in his Opinion, they were a sufficient Pledge. She then represented to the Court, that in Conscience they ought to be rely'd on as such, particularly for the Overplus Debts, which they the Creditors well knew to be all Extravagance; and

and, as to whatever was contracted for her own Use in any Shape, she, at the same time offer'd the Court to pay off to a Farthing, tho' she had no way to perform it, but by selling or pawning her Apparel; all which scandalous Truths and Impositions upon her Husband on their Side, and Absence, Innocency and Distress on hers, were uncontradicted; nevertheless, both them and her honest Proposals were all alike disregarded. O lamentable, unprecedented Cause of HER Condemnation! And whether such, in a Christian Court, is Law, Equity, and Mercy, or, flagrant Oppression, and unchristian Cruelty, the Reader, I believe, will not be at a loss to determine.

Finding the Court resolved to smother her insurmountable Defence, and deaf to all other reasonable Arguments; the Prisoner was advis'd not to answer to any more Actions till next Court-Day, pursuant to a customary Right; mean while her Pleadings (*pray observe*) were reduc'd into Writing, and at the next Monthly Court she deliver'd them in as such, informing the whole Government and Judges there assembled, that she had nothing further to urge in her Defence than what was therein contain'd, and that she rested her Cause intirely thereon; upon which it was read in open Court, and is, from an attested Copy (brought with me) *verbatim*, as followeth;

Libr. Cur. Cancellar. 1747.

*Peter Quirk, Hugh Quirk,
James Parr, William Kew-
ley, John Farran, Isabell
Clark, Capt. Tho. Radcliffe,
and William White, - -* } Complainants.

A N D

*Mary Hingston, Wife of James
Justinian Hingston, - -* } Defendant.

To the Honourable *Patrick Lindeſay*, Eſq;
Governor and Chancellor of this Iſle, and
to the reſt of the Worſhipful Officers of the
ſaid Court of Chancery.

The Defendant's PLEA.

“ **S**HE the ſaid Defendant, ſaving to her-
“ ſelf the Benefit of all and every juſt
“ and legal Exception and Objection, that ſhe
“ may or can at any Time hereafter make
“ to the above-mention'd Complainants Acti-
“ ons of Arreſt, lately iſſued out againſt her
“ in the Court of Chancery of this Iſle, and
“ the Proceedings thereon, whereby ſhe hath
“ been arreſted and already impriſon'd two
“ Months in this Iſle.

“ To the ſaid ſeveral Actions of Arreſt and
“ Proceedings thereon, pleadeth, ſheweth, and
“ faith,

" faith, unto the said Court of Chancery of
 " this Isle, that she is a Native of the County
 " of *Somerſet* in the Kingdom of *Great Bri-*
 " *tain*, and as ſuch, claimeth the Benefit of
 " all and every the Liberties, Privileges and
 " Immunities which ſhe is intitled unto, by
 " the Laws and Statutes of that Kingdom
 " whereof ſhe is a Native. And as ſhe is the
 " Wife of the ſaid *James Juſtinian Hingſton*,
 " and conſequently, by the Laws of the ſaid
 " Kingdom under Coverture, and as the ge-
 " neral Acts of Parliament, whereon her ſaid
 " Liberty is founded, *extend to this Iſland,*
 " *as well as to any other Part of His Ma-*
 " *jeſty KING GEORGE's Dominions*, ſhe
 " therefore claimeth the Benefit of Protection,
 " by force and virtue of the ſaid general
 " Laws or Acts of Parliament from being ar-
 " reſted, imprifon'd, or detain'd, during her
 " *Coverture*, becauſe no ſuch diſpenſing
 " Power was ever granted to this Iſle to de-
 " prive her of the ſame.

" She further pleadeth and faith, that as this
 " Iſland is held by Act of Parliament, in which
 " Act, *all and every Perſon or Perſons, Liberties,*
 " *Privileges, and Immunities were ſaved and*
 " *reſerved* (and *this Defendant's* Liberty alſo
 " among the reſt) as if ſuch Act had never
 " been made, ſhe *claims* the Benefit of that
 " Saving and Reſervation, and cannot con-
 " ceive, *how ſhe can*, by any Proceeding in the
 " Courts here, *be deprived thereof*, till it be
 " firſt declar'd and determined by that legiſ-

" lative Body, or their Successors, who made
 " the said Act, that she is not intituled to a-
 " ny Liberty, Privilege or Immunity thereby
 " as a Feme under Covert. For she apprehends *that neither this Court, nor all the le-*
 " *gislative Body of this Isle, are competent Judges*
 " *to determine any Point that may arise*
 " *upon the said Act of Parliament,* or any o-
 " ther the Acts of Parliament, with respect
 " to the aforesaid Liberty, Privilege, and Im-
 " munity, which she thereby claims as a Na-
 " tive of *Great Britain.*

" For she conceives, such Liberty, if con-
 " tested, or attempted to be curtail'd, does
 " properly lie before, and is determinable by,
 " those very Persons, or their present Succes-
 " sors, who granted and conferred that Liberty,
 " Privilege and Immunity upon her. Nor
 " does she apprehend, that any Statute Law
 " made or enacted in this Isle, much less a
 " bare Opinion of any Part of the legislative
 " Body of *this Isle,* is capable of depriving
 " her of her said Liberty, Privilege and Im-
 " munity; *unless such Part of the legislative*
 " *Body of this Isle, undertake by their Opi-*
 " *nion to supersede such British Acts of Parli-*
 " *ament, as intitle her to that Liberty;* which
 " if they shou'd attempt to do, she is apprehensive it wou'd be *violating and breaking*
 " *through that Power which this Island is*
 " *now held by,* and enjoyed from under the
 " Crown.

" She

" She also further pleadeth and saith, that
 " she is well advised, that there is no Island-
 " Law in this Isle, to deprive her of the Li-
 " berty and Immunity now taken from her
 " and hereby reclaimed, and she humbly ap-
 " prehends, that *introducing new Laws, Cus-*
 " *toms or Practices of Court, without the*
 " *Assent, Approbation, or Sanction of the*
 " *Lord of this Isle, is a great Indignity to his*
 " *Lordship*; more especially such a Custom
 " as deprives His Majesty's Subjects of their
 " Liberty, contrary to the grand *Magna*
 " *Charta of Britain*, established and con-
 " firm'd, about two hundred Years before
 " the Grant of this Isle to the House of
 " *Stanley*. For she is inclin'd to believe, that
 " if such Law or Statute, depriving any of
 " His Majesty's *British* Subjects of their an-
 " tient Liberty, was propos'd to his Grace
 " the Lord of this Isle by the twenty-four
 " Keys thereof, His Grace wou'd *thoroughly*
 " weigh and consider the Consequences that
 " might attend such Law or Statute before
 " he wou'd suffer it to pass, or give it his
 " Sanction to the Prejudice of his Fellow-
 " Subjects.

" And she also represents to this Honour-
 " able Court, that the said Complainants have
 " so little Foundation for arresting and impri-
 " soning her, that the said alledged Debts,
 " were all to a Trifle contracted by her said
 " Husband before ever she came to this
 " Island, insomuch, that whatever Debts were
 " contracted

“ contracted by herself for her own particu-
 “ lar Use will not exceed Sixpence in the
 “ Pound upon the whole Sum so run up by
 “ her said Husband, who being most exceed-
 “ ingly fond of Drink; quite heedless of
 “ Money when warm’d with Liquor, and
 “ then very easily imposed on; some only of the
 “ said Complainants, taking Advantage of his
 “ Weakness, suffer’d him extravagantly to
 “ call for Drink, of which they were often
 “ deep Partakers of themselves, by which
 “ Means about two Thirds at least, of all
 “ the said Debts were contracted in Liquor:
 “ All which, &c. can fully be made appear.

“ And as her said Husband hath now the
 “ Power of preventing any Remittances be-
 “ ing sent her, and hath not really sent her
 “ any even to subsist her, since his Departure;
 “ she conceives it *a thing* not only contrary
 “ *to the Laws of Nature in general, but also*
 “ *to the Laws of that Kingdom whereof she*
 “ *claims the Benefit as aforesaid,* to detain her
 “ here in a strange Country where *she* may
 “ starve for *his* Debts; and notwithstanding
 “ *she is not* thereunto liable by Law as afore-
 “ said, yet she is ready and willing, as soon
 “ as it is in her Power to make Restitution
 “ for every of their Demands that will ap-
 “ pear to be just; but then by her Detention
 “ here, she is render’d incapable of executing
 “ her said fair and honest Designs: And as
 “ the said Complainants have the Title-Deeds
 “ of her said Husband’s Estate, which wou’d

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" by any other Persons but the said Com-
 " plainants, be look'd upon as ample Secu-
 " rity for their respective Debts, she prays
 " that if the said Complainants will not con-
 " sent to discharge her, upon their holding
 " the said Title-Deeds as Security, that Your
 " Honour and Worships would be pleased to
 " dismiss their said several Actions, and to set
 " her at Liberty, otherwise, that this her Plea
 " may be recorded with the said Actions.

Castle Rushen, the Second
Day of April, 1747.

Extra. per me,
John Quaile Comp. & Cust. Rotul.

These Pleadings being read, the Plaintiffs
 Lawyer, in opposition thereto, exhibited a
 Record, term'd, " A Solution of the Deemsters
 and Keys ;" a true Copy whereof will soon
 appear. All Parties being then present, Issue
 joined, and every Thing they had to offer
 being read, deliver'd in, and pleaded on both
 Sides, 'twas expected the Court wou'd cer-
 tainly either dismiss the Actions, or grant De-
 crees ; nevertheless, not a Word *pro* or *con*,
 transpired for a considerable Time, till Silence
 at last was broke by calling and trying another
 Cause.

The Court being adjourn'd, and re-assem-
 bled early in the Afternoon, both Parties at-
 tended, expecting every Moment to hear their
 Result ;

Result; and, having waited impatiently till just Night, the Court broke up without uttering one Word concerning them, upon which, all the Complainants journeyed home doubly in the dark, to their great Surprise.

Now here it may well be imagin'd, that, these her fundamental Pleadings being then become a Record of Court, wou'd have caus'd that Court to let Things rest as they were till they had resolv'd what to do; or, much rather, that she the *innocent Wife* shou'd have reasonable Indulgence shewn her till then; yet, notwithstanding all Protections pleaded therein, quite the Reverse was instantly put in Execution; the which, for Bre- vity Sake, I had near resolv'd to pass over, but, upon this unexampled Occasion, where *British Liberty* is so attack'd, a Recital I therefore hope, will readily be excus'd.

Here then I am to observe, that the Wife of a responsible Native, did in the Beginning take Pity of Innocency in Distress, and prevail'd on her Husband and another Inhabitant to become bound for Mrs. *Hingston's* Appearance when called. Accordingly they apply'd to the Constable of the Castle (a humane Person) who, of himself, kindly took Bail, tho' he did it with Fear and Anxiety of Mind. This being effected, her female (*Manks*) Friend, provided a good Lodging in her own House, and us'd her in every particular as becomes a good Subject and a good Christian; where Mrs. *Hingston* continued till the Day
she

she deliver'd in her written Plea; and as the Court upon its Appearance broke up that Noon and Night, quite mute in reference to her as aforesaid (altho' they had brought on her Cause the very first, so many being concern'd, and Numbers out of Curiosity attending the Innovation) so, she, with the Plaintiffs, &c. were all retiring in Discontent, but e'er she got out, was suddenly stopp'd, order'd to remain a Prisoner in the Castle, and found herself quickly lock'd up; whereupon, Application was made to the Constable, requesting he wou'd permit her to go to her Lodgings, as nothing had been done in her Cause, and she on the same good Bail she had been, during the Month past; to which he answered, "that he could not for his Life, "that he had positive Orders to keep her "at his Peril, a close Prisoner within the "Castle."

In consequence of this Severity, she, poor Creature, at the Hazard of her Health and Life, was compelled (as the best Accommodation to be had) to sit up alone all Night in the Porter's cold Kitchen, upon a damp Floor, with broken Windows, without Victuals, Drink, good Fire, or any think else to keep her warm and alive, nor a Possibility of getting the Castle Gate open'd, tho' she had perished on the Spot; thus, instead of Lenity, hath this *free-born Briton been used there in the Isle of Man*, as, I am positive, an *Algerine Wife* wou'd not be in *England*.

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Next

Next Morning one of the worshipful Deemsters or Judges was apply'd to, representing this bitter Treatment to one of His Majesty's *English Subjects* unaccus'd of Crime, and free from Debt; to which he answer'd, " 'twas very hard," and walked off; she then immediately petition'd the Governor, which Petition was prefer'd to his Honour the Day following, *viz.* on the 4th of *April*, 1747. wherein is a brief Recapitulation of her Case, and what was transacted in Court but two Days before; namely, that her Plea, and the said Solution were deliver'd in before his Honour, Issue join'd, all Pleadings on both Sides at an end, so that nothing remain'd but Judgment to be given; and that she thought it strange to be so confin'd, at least till Sentence was pronounc'd against her, &c. Then follows the Prayer of said Petition, which, I intreat the Reader to recollect when cited hereafter, being in these Words, *viz.* " And
 " therefore your Petitioner humbly prays, that
 " your Honour will be pleased *to proceed*
 " *to Judgment*, or else, that your Petitioner
 " may be discharged from miserable Confinement." But this Petition was totally disregarded, and she held in a deplorable Condition till further Pleasure.

Mrs. *Hingston* being thus immured, in Suspence, she expected for certain, that the next Court-Day would determine her Doom, it being the fourth (and ought to be the last) from the Commencement of the Cause; here

I beg leave to remark, as a Wonder perhaps, that there is one Law in the *Isle of Man*, well worthy the Imitation of all *Europe*, and that is, to cut short the long spun Thread of ten, fifteen, twenty Years vexatious and ruinous Law-suits, by a positive determinate Time, from the Institution, to the final Decision of all Causes; for, by the Law and Custom of that Isle, all Chancery Suits, Civil Bills or Actions of Debt whatsoever, are constantly determin'd in two, three, or four Months at longest: Yet this most salutary Law, this constant Custom of their Isle, was, in this Case, strain'd beyond its Limits; for, at the Approach of this wish'd-for Court, the Prisoner found it was to be adjourn'd yet another Month longer.

Upon which, e'er the usual Day arriv'd, she, on the 30th of *April*, instantly petition'd the Governor a second Time, reciting all Things material in the last; and further, that all Parties at the preceding Court, did then stand Trial; that no one requested a longer Day; that her Health and Life were in Danger, pinn'd down to an intolerable Dungeon for one of her Sort and Sex, tenderly brought up; and that she had not a Penny to subsist her, nor Power to get one; but was in Danger of being starv'd to Death in a strange Land; yet still, that she had unquestionable, native Bail, Inhabitants of the same Town, possess'd of Houses and Lands, who (in Christian Compassion) were ready to become bound for her Husband's Debts, upon her Non-Appearance

at any Hour she was called ; and therefore, if their Monthly Court was post-pon'd for two Months, she pray'd that His Honour wou'd be graciously pleas'd, either, to direct that such sufficient Bail shou'd be taken for her Surrender, or else, to order those who depriv'd her of her Liberty to supply her with the Necessaries of Life ; but these her most reasonable Petitions were no more regarded, than if a condemn'd Murderer had requested to be set loose ; insomuch, that if she had not been afterward supported by the Charity of resident Strangers, she must have innocently perish'd in Prison.

And all the Consolation the said Petitions procur'd for her, was, (near a Month afterward) to be serv'd with an Order to do that, which had been fully and finally perform'd before the Honourable Court about two Months before ; as by the Proceedings, and the Order will evidently appear ; which Order, they have annex't to her aforesaid Pleadings, dated it the same Date, and is in the Words following.

“ At a Chancery-Court holden at *Castle Ru-*
shen the 2d of *April*, 1747.

“ **T**HIS Plea being prefer'd to the Court
 “ by the aforementioned *Mary Hingston*,
 “ in Bar to her being a Party to the several
 “ Actions commenc'd and depending in this
 “ Court *against her Husband and herself* by
 “ THEIR

“ *THEIR Creditors in this Isle*; the same is
 “ order’d to be argued the next Court-Day,
 “ whereof SHE is to give the Creditors due
 “ and timely Notice for their Appearance pre-
 “ par’d to answer it.

P. Lindefay.

“ *Extra per me,*
 “ *John Quaile, Comp. & Cust. Rotul.*”

If ill it becomes me to say it, much worse it becomes a Court of Equity to incert a known Untruth, and make it a Rule of Court in order to put a (feint) Gloss upon the Proceedings, “ *their Creditors,*” say they, when at the same Time they all knew well, that SHE had no Hand in it; first, because all, to a trifle, was contracted and swallowed before ever she came to the Island: Secondly, When she did arrive, it was not upon *hers*, but absolutely upon *his* Credit the Remainder was had: Thirdly, Whatever she had or made use of herself for Food, Raiment, or any Thing, she offered (not in Law, but in Conscience) to pay off to a Farthing; all which undeniable Facts, leave not even a sandy Foundation, to support that Record as Truth.

Now, what the Meaning or Drift of this Order was, seems something odd, because the Respondents or Plaintiffs, had already deliver’d in their ultimate Answers along with the Solution aforesaid, wherein is comprehended, all the Pretence, Glimmerings, and Shadow of
 Law,

Law, which they cou'd possibly produce to colour their Actions against her; And as to the Prisoner arguing her Plea, (with great Submission to the Honourable Court) it looks a little like Drollery, because she informed them—over—and over—and over again, that her said Plea was its own Argument, and that she had not a Word more to say; beside, if it was necessary for her to argue it, (as it is not,) her Lawyer dared not touch one of the tender, or essential Points; he being before, wonderfully silenc'd, when he had Honesty, and Spirit enough to attempt it.

Therefore, unless the Court had a Mind that he shou'd amuse them with some Powers in the Moon, whose Authority they were to pay some Regard to, but not to the original Grants, nor, sacred Reservations, of any Kings or Parliaments of *Great Britain*, I know not what else the Order can mean; particularly because, all the Laws, Records, written Pleas and verbal Arguments on every Side, were, about two Months before, delivered in, and all, all, by each Party, finally rested thereon; and also that, in the Prisoner's said Plea, she strenuously insists upon THREE fundamental Points, claiming each Time the Benefit of the Protection of *England*, in virtue of them, telling them at last (therein,) *that if they strip her of her British Liberty, it wou'd be violating and breaking through that very Power which even the Island itself, is now held by, and enjoyed from under the Crown; and thus,*

nothing

nothing remain'd for the Court, but for them to determine which they wou'd pay the greatest Regard to, that Power, or the Deemsters Opinion.

Nevertheless, she, when the Time came, paid Obedience to the said Order, (tho' lock'd up in Want.) Mean while, this second Monthly Court being skipt over, I myself went to their *Rock of the Law*, and when I had mildly reasoned with him to no Purpose, I then told him, they had no Island Statute to confine the Prisoner; and that if they had, the Refusal of good Bail was diametrically opposite to an ancient, explicit, and positive Law of their own, (which two asserted Points will hereafter appear) and therefore, that such an illegal—and quite unnecessary Imprisonment, could be stil'd nothing else than base Oppression; that I intended to set out speedily for *London*, and that I wou'd represent to the Government of *Great Britain*, how, and in what Manner, *a guiltless Native of England is stript of her Liberty in the Isle of Man*; adding, that they wou'd soon be called to an Account, for this, and other Oppressions impos'd on their Fellow-Subjects, contrary to the *general Laws of England in force amongst them*, and contrary also, to the establish'd Laws and Customs of the Isle; at which he cast a most contemptible Eye upon me, seconded by saying, "HUTT, do your best " and your worst, we stand in Defiance of " all you can say, or do."

In

In a few Days after, I accordingly set out for *London*, and upon the Eleventh of *June* 1747, I waited on the Right Honourable the EARL OF CHESTERFIELD, then one of the principal Secretaries of State; and tho' several Persons of Distinction were at his Levee, and his Lordship just going to compliment His Majesty on the happy Occasion of the Day, nevertheless, his Lordship honour'd me with an Audience, and with the greatest Politeness, Courtesy, and Condescension imaginable, told me how the Case stood in reference to that petty Government, and what was the first, and then the second proper Steps to be taken. Pursuant to these praiseworthy Instructions, I did, four times at proper Periods, petition, remonstrate to, and personally address the Lord of said Isle, in Behalf of the Prisoner (*as well as myself*) and having patiently waited near twelve Months in vain, I then very seasonably perform'd to a Tittle, my aforesaid Promise of Complaint to Higher Powers, but I shamefully and sorrowfully confess, that hitherto, the *Manks* Lawyer in regard to his Defiance, is entirely in the Right, and I, in reference to my Threats, altogether as much in the wrong.

Now all the Proceedings hitherto set forth (within the Isle) I know of my own Knowledge to be true; likewise whatever is hereafter recited, from the Beginning until *May* 1747. In this Position remain'd all Things till *July* following, at which Time the Court

affembled and came to a Resolution indeed, as by an authentick Copy thereof, in these remarkable Words will appear.

“ At a Chancery-Court held at *Castle Rushen*,
“ on the 2d Day of *July*, 1747.

“ **T**HE within named *Mary Hingston*
“ *having had TWO Court-Days allowed*
“ *her for the arguing this Plea, and she ap-*
“ *pearing this Day in Court, and offering*
“ **NOTHING MATERIAL** in Support
“ thereof, and the Plaintiffs producing A SO-
“ LUTION of the Deemsters and Keys, bear-
“ ing Date the 8th of *May* 1719, IN BAR
“ to this Plea; *therefore this Plea is dismissed*
“ *the Court, and the several Actions institu-*
“ *ted against her, and now depending in this*
“ Court, are ordered to proceed.

“ *P. Lindeſay.*”

I cannot paſs over this amazing Decree, or Rule of Court, without making ſeveral Remarks thereon; and firſt, they affirm, “ *That Mrs. Hingston had two Court-Days allowed her to ARGUE her Plea.*”—Argue it!—to what Purpoſe?—Her Lawyer, unleſs he determin’d to have himſelf taken into Cuſtody as well as his Client, durſt not argue any one eſſential Point in it, ſave only—*her Inability—and her Innocence*; which cogent Arguments, ’tis plain, are of no Weight with them; and
F this

this arbitrary Proceeding of theirs, together with the terrifying Step aforesaid, were the very Reasons why every Thing she had to say was reduced into Writing; and those very Reasons also prevail'd on me to transcribe it, that all might appear in MY Hand-Writing; the which I ventur'd to do, and SHE deliver'd it in as such.

Again. "SHE!—*allow'd TWO Court-Days*—'tis no such Thing—as will manifestly appear from what follows; and now, the attentive Reader will be pleas'd to recollect, that when she first preferr'd her said Plea, she inform'd the Court, that she had nothing more to urge in her Defence, but rested her Cause intirely upon it; that her Antagonists at the same Time deliver'd in also their final Objections thereto, joined Issue, and waited Hour after Hour, all wishing to have the Cause instantly decided; that, after the Day, which they slipt over in Silence and then lockt her up at Night, a Deemster was complain'd to in the Morning; that she, the very next Day, petition'd the Governor reciting all these Particulars, and prayed earnestly they would either *pass Sentence*, or *restore Liberty*; and that, on the Approach of next Court-Day, she re-petition'd and fervently prayed to the same Purpose—but in vain.

From all which it is incontestibly clear, that, instead of *indulging* the Prisoner with *TWO Months Time to argue her Plea*, as affirm'd, the Court, *soresly against her Will*,
took

took THREE Months Time to ruminate upon it; and indeed, 'twere less surprizing had six Months been openly and mildly taken by those her Fellow-Subjects, e'er they came to such a peremptory, such a dangerous Resolution, which, if *****, cannot fail rebounding with double Force upon themselves; in the mean time, whether, such a disingenuous Decree, and such Cruelties, needless (*Manks*) Cruelties, exercis'd upon a helpless Innocent of this Realm, are consistent with the Glory of *England*, the Liberty of its People, and the Solemnity of an Honourable Court of Chancery, (there so called) is submitted to the Patriot Readers serious Consideration.

Secondly, they declare thus; "*and she appearing this Day and offering NOTHING MATERIAL in Support of her Plea.*" In this Particular the Prisoner agrees with the Court, freely confessing that she did so appear, and that she did not offer any Thing in Support of her Plea, having only inform'd the Court, that she *then*, as, at *that Day three Months*, left her said Plea in Writing to be its own Support, and that she first and last, rest-ed her Liberty thereon; upon which, it was instantly quash'd *by an over-ruling Power*;—*so, in reality,—or, by Usurpation*; and where-as the sacred Reservations of King *Henry* the 4th, who first gave Sir *John Stanly*, or them, any Authority at all; and likewise, the general Laws of *Great Britain* in Force amongst them, together with the Savings and Reserva-

Query put by a late Governor to the two Deemsters, without the least Foundation or Authority of Law, either *English* or *Manks*, to ground the said Opinion upon; yet, nevertheless, it stands mysteriously establish'd into a Statute, for governing the very People who first gave them Power to govern themselves; but is of no Force against them the important Natives of said Isle.

The aforesaid Query, and this Statute sprung out of it, as taken from a true Copy thereof attested by the Master of the Rolls, the which I brought with me, and have now before me, are conceived and penn'd in these Words following.

“ Libr. Scaccar. 1719.

“ *Castle Rushen*, 8th of May 1719.

“ GENTLEMEN,

“ I Find as I apprehend a Law for the Security of the People of this Island in their just Demands from Strangers who may have sufficient Effects in another Country, altho' they may have none here to answer the said Demands.

“ Now I wou'd be resolv'd, whether any Stranger coming into this Isle and contracting Debts here, and shou'd happen to go off again, and leave his Family, and not return again, and those Debts remain unsatisfied,

" tisfied, and no Effects here to answer them,
 " and that they may have an Estate or Ef-
 " fects in another Country, is the Wife under
 " any Restraint till Security be given to satif-
 " fy the said Debts, altho' she be under Co-
 " vert Baron ?

" *Alex. Horne.*

" To the two Deemsters
 " of this Island.

" The Deemsters having desired the Assis-
 " tance and Advice of the twenty-four Keys
 " of this Island in this Matter, I do require
 " them to consider with them in resolving
 " the above Query.

" *Alex. Horne.*"

In Consequence of this bare Question asked,
 here follows their Answer—or the Statute—
 which repeals and makes void the Protection
 and Coverture of all *English* Wives within
 their Jurisdiction.

" **T**O this we say that according to our
 " PRACTICE AND CUSTOM any
 " Person or Persons coming into this Island
 " and contracting Debts here, they ought to
 " pay off and discharge the same before they
 " be permitted to depart the Isle. If they
 " have any Effects here, they are first to be
 " seized for the Payment of those Debts, and
 " if they fall short, such Person or Persons

" OUGHT

Or
 to th
 return

" OUGHT to be confined till they give
 " Security to pay the Debt, or otherwise
 " satisfy the Party; and this extends as well
 " to the WIFE as the Husband, in case the
 " Husband be out of this Island, and not un-
 " der the Jurisdiction of the Laws here: *Be-*
 " *cause* by the Laws and Customs of this
 " Island, the Wife has a Right as well as the
 " Husband to bequeath and dispose of half of
 " all the Effects and Chattels they are posses-
 " sed of HERE at her Decease.

" Ro. Curghey,	" Dan. Mylrea,	} Deem-
" Tho. Corlett,	" Cha. Moore,	
" Dan. Lace,	" Jo ^r . Stevenson,	
" Jo ^r . Fargher,	" Tho. Stevenson,	
" Jo ^r . Harriſſon,	" Nich. Christian,	
" John Garrett,	" Tho. Christian,	
" Wm. Tyldesley,	" James Bankes,	
" Ro. Madrell,	" John Oates,	
" John Christian,	" John Wattleworth,	
" Tho. Christian,	" Will. Christian,	
" John Curghey,	" Edm. Corlett,	
" Phi. Moore,	" James Christian.	

" Twenty-four Keys.

" *Exa. per me,*

" *John Quayle, Comp. & Cust. Rotul."*

On the above Query put by the Governor
 to the Deemsters; together with the Answer
 returned, I make the following Observations.

First,

First, If the ancient Law which the Governor then perus'd, contained in it such an odious unreasonable Clause, as to imprison Wives for their Husbands Debts, whether they were Parties concern'd in them or not; or whether they were, or were not, capable of paying them, surely he must have found it out: But what is exceedingly more surprising, the Question was put to the Deemsters, the Judges of the Land, the Men of Law; but even they were not able to disclose it, therefore desired the Assistance of the twenty-four Keys, who, by Order of the Governor, *you see*, did accordingly assist them, and yet, through all their Retrospection, it remains undiscover'd to this Hour.

From whence I reasonably conclude, that no such Law was ever enacted; and agreeable to this Conclusion, they only return for Answer, not, that such a Law was at any Time so and so establish'd, (which they would, no Doubt, if they cou'd;) nor yet, furnishing an Explanation of a Clause to the Purpose, in that or any other Statute; but obscurely and most admirably say, "that according to their *Practice and Custom*, any Stranger's Wife **OUGHT** to be confined for her Husband's Debts;" therefore, because it is their **OPINION** it **OUGHT** to be so, so it is absolutely decreed and executed upon this unguilty, unable, *English* Wife, in open Contempt of their own establish'd Laws, and with insolent Defiance of the general Laws of

Great

Great Britain, which protect her throughout all its Dominions.

Secondly, Since “ Practice and Custom ” in this Case, is all they have to lay hold on, sundry Precedents of such antient and modern Usage, are, for that Reason undeniably requisite, because, Law establish’d upon Custom only, requires that Custom to have been long and frequent in Practice; yes, and by the Consent of their Forefathers, even beyond the third Generation; else “ Practice and Custom ” is not, nor cou’d not, be then already establish’d into Law; moreover, if it was their Practice and Custom, the Master of the Rolls cou’d, from Record, have made it appear by Decrees and Imprisonments grounded thereon; but, so rotten is this Foundation also, that never before that identical Time, had they one, single, Instance, of a Wife being there decreed against and imprison’d for her Husband’s Debts; therefore how they cou’d affirm it to be “ their Practice and Custom,” is very surprising.

Nay, their own Records evidence quite the Reverse, most flagrantly against themselves; for in or about the Year 1600, an Action was brought against a Man and his Wife, as now, (by the Ignorance of a young Clerk perhaps) and to that Action the Wife, only, appear’d; upon which the Court decreed as followeth, “ That such Appearance, as she was under “ Coverture and Subjection to her Husband, “ was not good in Law, *altho’ the Debt was*
 G “ of

" *of her own contracting* ; and therefore, the
 " Court ordered that the said Action shou'd
 " not be proceeded upon till such Time as
 " the Husband appear'd." Thus again, even
 in capital Offences, the Husband forfeits only
 his half, because, says the Law, " the Wife
 " is under Coverture and Subjection."

These being undeniable Facts upon their
 own Records, I ask them where, in Law,
 Practice, or Custom, they can find A RE-
 QUISITE FOUNDATION, safe in every Sense,
 to ground these their deliberate Decrees up-
 on, and justify near Three Years (shameful)
 Imprisonment of an *innocent English Wife*,
 stripping her thereby of the principal or on-
 ly Privilege she enjoy'd under the inviolable
 Laws of this Realm? Whoever amongst
 them is able to lay out this sure Foun-
 dation, and clearly reconcile all those their
 Statutes, Opinions, Decrees, Acquittals and
 Confinements (unassisted by arbitrary Power)
 must be deeply, very deeply learned in their
 Laws.

Thirdly, When she deliver'd in her writ-
 ten Plea to be made a Record of Court, in-
 stead of an Alarm to proceed cautiously on so
 dangerous a Point, as openly disputing her
English Liberty, it rous'd them up to act
 with a higher Hand; (in this Instance what-
 ever) because, it was upon this Step being
 taken by her, that they, unmercifully lock'd
 her up at Night; as they would a Beast in
 Pound, as aforesaid; but the given Reason
 afterward

afterward, was, because she was under the Decree to *John Farran*, whose Action alone, was that which was called four Weeks before, altho' the Decree lay dormant till that very Day and longer; consequently, this trifling Decree of *Farran's*, was not the Cause of their Fury against her, but, (as against her Lawyer) *for daring to plead the Protection of England to them*; and she, for this very Reason was kept Four Months a close Prisoner; clearly evinc'd, by that Native of *Ireland* not having desir'd it, nor expected it, upon his Account, nor, during that Time, any other Decree given against her. Nevertheless, as I am not stinted in Latitude, I yield them up this Argument, if they make it their Choice, and readily join Issue with them on their own Words, to wit, that said *John Farran's* Decree was the single Cause of her being so suddenly barr'd up, and held Four Months in miserable Confinement. Now therefore, upon this Decree in particular, something extraordinary occurs, which leads me to the Ground-work of these their unparallel'd Superstructures, *viz..*

In the Year 1610, the Governor assembled the Deemsters and Keys for them to direct according to their Laws and Customs, after what Manner Debts contracted by Strangers with the Islanders, were to be satisfied; which Expiation then recorded for future Observance, runs thus, " that they, shall give good

" Security not to depart this Isle till the said

“ Debts are fully satisfied and discharged.” Here, *pray observe*, that it is upon this Explanation of their Laws and Customs, the late Opinion is founded, as appears by the Preamble to the Governor’s Query aforesaid tallying so exactly therewith; “ a Law (says he) for “ the Security of the People of this Island in “ their just Demands from Strangers.” Now since this is a peculiar Law for the Security of the People of that Island only, it may reasonably be asked, how it is justifiable by the Letter of this Law, to cast an *English* Wife into Prison, singly at the Suit of said *John Farran*, who paid not Lord’s Rent, Suit, Services, or any Thing? Neither is he a Native, nor even a Resident, but an *Irish* Papist, a petty Pedler, a Stranger just come there, travelling about from Fair to Market selling his peddling Wares.

I do not mean by this, a Reflection upon him, his Religion, nor his Country, God forbid; but to shew, that the Government in the *Isle of Man* (of late Years only) entertain no Notion of paying any the least Regard, to either the Government of *Great Britain*, or the reserved Liberties of its People; otherwise they would have suffer’d this innocent Victim to remain in the same secure Situation she was in, until such Time, at least, as they thought proper to grant all the other Decrees in Behalf of the *Natives*, which, from the first Hour, rested totally on the Pleasure of the Court; moreover, where they found out, that the

the said Law extends to ENGLISH WIVES (except in Imagination despotick) will, I believe, remain a dead Secret to the End of the World; and therefore, from the Face and Nature of these Circumstances, and Events, I may venture to say, that all the good People of *England* will be of Opinion, they have construed this Law into what it cannot be, and positively is not.

In the next Place, it will appear as clear as the Sun, that they have acted in flat Contradiction to what it really is; for, says the Law very justly, “all Strangers shall give good Security not to depart the Isle till their Debts are fully discharg’d;” with what Confidence therefore, cou’d they imprison this guiltless Wife, who owed no Debt; very especially, when she at the same Time, in Conformity to their Law, tender’d solid Security, Native Bail, possess’d of Houses and Lands, and dwelling within a Bow-Shot of the Castle; who, not only offer’d to become bound that she should not depart the Isle, as the Law requires from an *actual Debtor*, but, to deliver her bodily into the Castle at any Hour she was called for, under the Penalty of paying the last Penny of her Husband’s Debts; to which actual Offer, and peremptory Refusal, I was both an Eye and Ear-witness; here therefore, where some Respect to the Crown of *England*, Compassion, Equity, Mercy, common Humanity called loudest for mild Explanations of Law, they have wittingly and avowedly

vowedly punished the helpless Innocent, for the Guilty; unnecessarily so, in manifest Violation of the Laws of *Britain*, and of Man; repugnant also, to the Law of God and Nations.

Fourthly, From what is set forth, I presume it may reasonably be concluded, that they have neither Law, Practice, or Custom, sufficient to found this Opinion upon: And it is strange indeed, that, after a Recursion as far back as the Year 1610, in Search of Precedents, they should take their Authority from an Explanation of their Laws and Customs then deliver'd in, particularly because, those Explainers could not but have had an Eye, to the very same Case in Point, as this; which Case, but a little before that Time, and there in their own same Court, was solemnly determin'd so as to forbid any such Proceeding as the present; yes, and altho' the most inflaming Circumstance attended it, which, no doubt, wou'd have excited them to decree the Reverse, that is, against the Wife then in Question, was it possible. All which, evidently appears by the Decree itself in these few Words aforesaid, "*That altho' the Debt was of the Wife's OWN CONTRACTING, yet, as she was under Coverture and Subjection to her Husband, the Action against her was not good in Law.*" Amazing therefore it is, that these modern Rulers should take upon them, not only to over-rule the powerful Pleadings inserted, but to imprison a Native of *England* for

for over-plus Extravagancies *run up by her Husband and the Islanders themselves*, at the very Time she was famishing in another Country; which proves, that SHE cou'd not be the Contractor of the Debt, tho' condemn'd; as the other Wife was, tho' acquitted.

Astonishing likewise it is, that they, or some of them at least, and the Keys, when they found the Island Law as dead against them as Law can possibly be, that they should then break through their own Law also, and, by their said Solution, affirm this Proceeding to be according to their Practice and Custom, tho' no such Doings were known in the Isle; nay, I enquir'd among some of the ancient Women, Natives, who disavow'd any such Practice or Custom, crying out aloud, in my own Ears—*Fie upon them—Fie upon them.*

And now, as all its cobweb Cloathing seems to be pretty well brushed off, I shall examine whether this NAKED SOLUTION is of any Validity in it self. To which end (whether they have, or have not, this superlative Power) if they pretend that this is a Statute, since they act by it as such, it will be requisite to shew, that all the Laws within the said *Isle of Man* which bind the Natives thereof, are fram'd and enacted much in the same Manner as those of *Great Britain* and *Ireland*, and are then proclaim'd at the Tine-wald, on *Midsummer-day*, upon the open Top of a curious artificial Mount for that Purpose; through which indispensable Forms this
Solution

Solution never pass'd, neither was it ever so publish'd; and therefore, it is not a Statute, but a BARE OPINION of a Part of the Legislature, without even the Shadow of Law to support it, and in the very Teeth of all their Laws and Customs, antient as well as modern.

And therefore I hope, the Government and Keys of that Isle will condescend to agree with me in this one Point, *viz.* that unless they are of Opinion, that all the rest of his Majesty's Subjects united, are, by many Degrees, of less Importance than the People of the *Isle of Man*, it is but reasonable, that a Law to the Purpose shou'd be by them enacted, before they strip any more of the King's most immediate Subjects of their antient Rights and Liberties, reconfirm'd, and continued to them down to this Time.

Fifthly, I now proceed to prove a strange Thing, *viz.* That SHE the matchless Prisoner is not even within this obscure Opinion itself; and first, the Governor's Query aforesaid is clear, and very distinctly put; but the Answer indirect, evasively dark, and very oddly jumbled together; because, the whole of it almost, is only telling what OUGHT to be done with Persons (*turn'd the Cape of Good-Hope perhaps*) who privately quitted the Isle in Debt; that is to say, in case they had them still in the Isle, and had prophesied their secret Intent to go off; for it appears that the Governor's Question is singly concerning the

Wife

Wife of a Man actually gone off in Debt; and they return him as a full Answer, that all Persons who come there and contract Debts OUGHT to be confined; and then say, "this extends as well to the Wife as the Husband;" without solving the stated, particular Case of such a Wife, as the Query alone requires, nor yet, mentioning one Word of a Husband gone off in Debt, but of one out of the Isle, who, as well, might have never been in it; so that the Question yet remains, how, or upon what Terms it is, this Sentence so extends to the Wife?

And therefore from the Face and the plain Import of said Opinion, I (thence) do agree with them, as I conceive they must with me, that, Women are Persons, and that Women can contract Debts, and if this Woman went to that Isle and contracted any Debts there, I, in their own Stile, readily agree with them, that the Opinion extends to her, *altho' she is a Wife*; But in Answer to this, "the Prisoner" is NOT a Person or Persons who came in "to the Isle and contracted Debts," except what she, in the Presence of her Judges, offer'd to pay off and discharge, in Conformity to what the Opinion requires of her; and therefore, if the Honourable Court, and her Husband's (for I cannot with Truth say her) Creditors did not think proper to accept of it, she, from that Day forth, remain'd no longer, in any Sense, within the Opinion.

Again, Here I need not transcribe the Query, the curious Reader will recollect, " that even Mr. *Hingston*, her Husband, did " not come into the Isle and contract Debts " there, and then go off again, without leaving Effects or good Security behind him," namely the Deeds of his real Estate; and the Governor in open Court declared the first Day as aforesaid, that, he judg'd them to be sufficient Security; which, if they were not, why were they taken as such, and why shou'd the Owner insist upon a hundred Pound Bond for their forth-coming, and why shou'd the responsible Creditor in whose Hands by Consent the Deeds were deposited, give him said Bond, as he did, unless all Parties had deem'd them of Worth? And therefore, as Mr. *Hingston* did not quit the Isle without leaving actual Security for his Debt, his Wife (tho' imprisoned) is not within the *Query* and *Opinion*, but in Justice, DOUBLY free; First, because it hence appears, that she neither is liable to Confinement upon her own Account; nor Secondly, upon that of her Husband's; consequently ought then, to have had her lost Freedom restor'd her.

Having now trac'd out their chaffy Authorities for this Violation of Law and Liberty, I do not spare saying, that she this *English* free-born Subject, has groan'd near three Years in a bare-fac'd State of Slavery, there, in the Center and Sight of his Majesty's three Kingdoms; and if the Law of this Realm

now

now is, that such distress'd, imprisoned Sufferers, must dispute, not Debts or trivial Things, but their legal *British* Privileges, with that Government, and that said Law shou'd so remain; then must this naked, groundless, abominable Opinion, stand as a well founded, well made Statute, tho' to a Purpose, I mean the Subversion of Law and Liberty, which, from Time to Time has caus'd such Effusions of precious Blood, throughout all these Dominions.

And Lastly, To have done with this vile Opinion, the single Reason they assign why their Sentence of Confinement OUGHT to extend to an *English* Wife, &c. is super-excellent, eclipsing all the rest in these Words following, "*Because (say they) by the Laws and Customs of this Island, the Wife has a Right, as well as the Husband, to bequeath and dispose of half of all the Effects and Chattles they are possessed of HERE at her Decease;*" and so, because a *Manks* Wife has Power to make such a Bequest at her Death; hence, therefore, they conclude, that an *English* Wife must pay off her Husband's Debts, during his Life. Now I cannot illustrate this absurd Reasoning of theirs better than by way of a Catechism; and Note, that all the Questions are put as by an *Englishman*, and every Answer returned, as by the Government in *Man*, viz.

Question the 1st, *Englishman*, Can an *English* Wife during her Coverture, legally sue

or be sued in *England* for her Husband's Debt? *Manksmens* Answer, No. *E.* Has an *English* Wife Power by Law, over any Part of her Husband's Effects and Chattels living or dying a Wife? *M.* No. *E.* Is she therefore liable to her Husband's Debts in his Life Time? *M.* Yes. *E.* What! Though she was no way concerned in them herself? *M.* Yes. *E.* What! And altho' she has neither Ability to pay, nor Power by Law to secure them? *M.* Nevertheless yes. *E.* And must an *English* Wife be imprison'd for her Husband's peculiar Debts, under all these disqualifying extraordinary Circumstances? *M.* Absolutely yes.—Well, so it truly is, and there I leave her — tyranniz'd over with open Eyes.

Now, as concerning a *Manks*, or Island Wife—

Question the 1st, *Englishman*, Can a *Manks* Wife bequeath one Half of all her Husband's Effects and Chattels (*within the Isle*) to whomsoever she please? *Manksmens* Answer, Yes. *E.* Is she not therefore liable to some Part of her Husband's Debts? *M.* No. *E.* But is she not liable to Debts contracted singly by herself? *M.* No. *E.* What! Although she has Power by Law to pay or secure them? *M.* Nevertheless No. *E.* And cannot a *Manks* Wife be confin'd for Debt at any Rate, neither for her own, her Husband's, or both, since a Moiety of his personal Fortune is at her Disposal? *M.* Indispensably No. *E.* Pray why?
M.

M. Because she is under Coverture.. *E.* And is not an *English* Wife also under Coverture; and *her* King, yours, and your Lord's King and Master, and the Protector of you all?

M. HUTT, what signifies that—'tis NOTHING MATERIAL. (Thus, by their exquisite Wisdom and Power unsearchable, they have caus'd the Law of both Isles to imitate the Shadows of the *Antiscii*'s at Noon, which, tho' from the same Sun, lie different Ways, the one, directly opposite to the other.)

This Catechism being a true State of the Case; the antecedent Writings, being the Law; and these enormous Answers, the Reasons why a Native of *England* has been so long shut up in a slavish Imprisonment, by her Fellow-Subjects at home; I therefore leave the World to judge, especially all those to whom it appertaineth, whether some Folks, want not, and ought not, to be rarely well catechiz'd.

Now, with all Submission to the Government and Keys in the *Isle of Man*, this Conduct of theirs proceeds not from Ignorance, but from absolute Will; exemplified strongly by the finishing Paragraph of the Opinion (beginning at, *Because*) particularly the last six Words of all, to wit; "*possess'd of HERE at her Decease*" say they; well knowing, she cou'd have no legal Power over any Fortune her Husband might be possess'd of, in *Britain* or *Ireland*: And yet, upon that, last, single Paragraph, depends the whole Strength of the Opinion; which quoted Authority of theirs

theirs serves not their Justification, but infallibly their own Confusion, as followeth.

They inform us, that a Moiety of a *Mank*-*man's* personal Fortune is in the absolute Disposal of his Wife; and that if he forfeited his Life and all his worldly Substance, yet, her Moiety cannot be affected thereby as aforesaid; neither can it, nor HER Person be disturbed, even for Debts contracted by herself;—so sacred is HER Person,—and so secure is HER Moiety; and yet, this is the one, the only Reason they have assigned, why an *Englisch* Wife must be imprison'd for HER Husband's Debt, altho' they know she has no Power at all over any Part of HIS Fortune; which therefore, instead of being a solid Foundation to build their Solution or Answer upon, is, the most powerful Argument they could have produc'd, to confute, and to overturn, their sham Statute and themselves altogether.

Or in a word; they tell us that a *Mank's* Wife has an independent Fortune of her own, tho' she cannot be confin'd for her own Debt: And they have given it from under their Hands, that for this very Reason it is, an *Englisch* Wife, who has no Fortune at all, OUGHT to be confin'd for the Debt of her Husband; and they, you see, in virtue of that very Reason, have accordingly imprison'd her. —O monstrous Absurdity! And highest Contempt of the Supreme, and all other Authorities.

Therefore,

Therefore, from this Conclusion of theirs, I take Leave to extract another; I do conclude, that the Government in the *Isle of Man*, are, in Law, Reason, Equity, common Sense, firmly within the one, or the other, of these two Propositions following; first, they unavoidably must make it appear, that the said Opinion, which they so deliberately and solemnly decreed upon, is a sufficient Authority, empowering Mrs. *Hingson* to break through the standing Law of these Kingdoms, and thereby invest herself with Power over her Husband's Estate, in order to pay off those Debts of his for which they have imprison'd her. Or, contrariwise, if they are sensible (as it appears they are) that the said Opinion is of no more Force or Efficacy to answer that End than even a blank Scrip of Paper; then must they, as unavoidably acknowledge, that such her Imprisonment, is, and has been from the Beginning, altogether preposterous, illegal, unwarrantable, cruel, arbitrary and oppressive; and which of the two self-evident Principles they chuse to abide by, 'tis humbly hoped by Numbers, that those in whose Hands the good People of this Realm have intrusted their inseparable Lives and Liberties, will suddenly compel them to declare.

It is a well-grounded Maxim, that of two unevadable Evils, the least is ever to be chosen; and, (tho' bad is the best in this Case) I do not hesitate to say, that the last of Necessity must be their Choice; and lest any one
shou'd

shou'd suppose I made use of too many agonizing Expressions upon this Head, I therefore shall endeavour to justify myself, by stating a short, but very true Case on the whole, and which, I dare say, all the Christian and Mahometan Commonwealths, Kingdoms and Empires of the Universe, cannot equal; so, craving the courteous Reader's Permission of a short Repetition or two, also, to continue the Use of the Words *Guilt* and *Innocence*, as my concisest Way of distinguishing between, one who run up a Debt meerly as a Wife, and another Wife who contracted no Debt at all: The above Expressions being allow'd me, here follows a more wonderful Absurdity than the one just cited, namely that,

" a few, trifling, Publicans, and a Pedlar, ob-
 " tain'd solemn Decrees against, and near
 " three Years Imprisonment of, an innocent
 " *English* Wife in the *Isle of Man*; which,
 " their King and Defender (his Majesty King
 " *George*, God bless him) cou'd not, even
 " against a guilty *Manks* Wife, neither in
 " *England*, nor yet in the same *Isle of Man*;
 " heighten'd still, by this most aggravating
 " Circumstance linkt to it, that altho' the
 " guilty *Manks* is able to make Reparation—
 " but the innocent *English* not."—Surely then, *Guilt* and *Innocence* (by Law, if it is Law) were never so adversely circumstanc'd elsewhere, between a mighty Monarch and his lowest Subjects; for thus, no wider Extremes, no
 higher

higher Inconsistency in Nature, can possibly exist.

This Prodigy leads me on to request their Worships and Keyships to solve this Question also along with the rest; "that as the Natives of the *Isle of Man* residing in *Great Britain* and *Ireland*, are, as Liege Subjects, intituled to the full Benefit of the Laws of both Kingdoms, and which, many of them enjoy at this Day; therefore why, and for what Reason it is, the Natives of *Great Britain* and *Ireland* residing in the *Isle of Man*, are not equally intituled to the Benefit of the Laws there?" of which, at this Day, both are absolutely denied.

Upon this Query, and from their experienc'd Way of Reasoning, I shall be told by them, that I have no Regard to Justice, that I argue like a dishonest Man, that I am labouring to have their Prisoner discharg'd, and this great Imposition upon them ramm'd down their Throats, &c. &c. But I am (as my Duty is) mighty anxious to remove all such ill-grounded Imaginations of intended Fraud, and therefore, to this I shall give a satisfactory Answer, I hope, by asking them, *a very serious Question*, viz. "Whether they, not having Power over the Prisoner, for these liquid Debts wherein she was no way concern'd, of which, a great Part was tunn'd into the Creditors own Bellies, and for which they have other undeniable Security beside; is, a greater Hardship upon
I " them,

“ them, who supply not a Man, nor pay
 “ not a Shilling, to help support the heavy
 “ Charge of Government, and to fight out
 “ their own Defence; than, many, many,
 “ such Instances, of Debts more justly con-
 “ tracted, and that by the Wife herself, with-
 “ out the Creditors Participation of, nor yet,
 “ any additional Security for; are, upon the
 “ People of *Great Britain* and *Ireland*, whose
 “ Blood and Treasure it is, supports the Go-
 “ vernment, and protects every Soul in the
 “ *Isle of Man*, in their Religion, Liberties
 “ and Properties, without either Care, Trou-
 “ ble, or Expence of their own?” Now,
 since they are so keen at Solutions, when they
 make it evidently appear, under all these re-
 markable Circumstances, of every Kind, and
 of both Sides the Question, that, the Hard-
 ship is therefore greatest on them, then will
 I silently submit to the heavy Censures a-
 foresaid. * It

* By the above Query appears what it is the People of that
 Isle do not perform: And were I to particularize what it is
 they do perform, by way of grateful Returns for such inesti-
 mable Blessings continued unto them, it would open a copious
 and material Subject to exercise my Pen; but, it being not so
 immediately to the present Purpose, I pass it over, referring to
 a *Proposal* of Reformation, drawn up above Three Years ago,
 which would, or will be, not only a vast Advantage to them
 in general, (whose Benefit after all said, I have truly at Heart)
 but at the same Time will discharge above Two Millions of
 this Nation's Debt without Injury to any one. And then in a
 few Months after, I drew up a second *Project* of yet greater
 Importance grounded thereon, which (notwithstanding a more
 general one of the same kind is since set forward) will, I take up-
 on me to say, still stand the Test, as long as *Great Britain* remains
 an Isle, separated from the Continent and the Powers thereof.
 And here I shall only say by the way, that both, perhaps, are

Topicks

It is highly proper, to insert one of the Decrees against this Feme-Covert; having a material Use, both here and hereafter to make of it; not that it differs either in Cause or Substance from the other Decrees, but as the one will serve for all, and shew how barefacedly and absolutely they act, in opposition to the most convincing Evidence which could possibly come before them; and therefore here it is, in these almost incredible Terms following.

At

Topicks worthy the most serious Consideration, now-a-days especially, when this Realm is so deeply sunk under a bitter Load of Debt; which, consequently, is the Cause of every Necessary of Life (even to the Light of Heaven) being so heavily tax'd: And hence as naturally springs the true Reason why the Manufacturers of this Kingdom are gradually dropping off and wheedled into the Service of our most powerful Rivals in Trade. Moreover, these Particulars manifest themselves to be strong Inducements to smuggle off, and draw hence, the Materials after them; all which, if not happily prevented, is a sure Fore-runner of Ruin. I am not, however, silly enough to imagine, that this in itself can suddenly extend so great a length, but, by almost imperceivable Gradations insensible us, so as at last to become an easier prey, to a growing, most watchful, ambitious, politic, and powerful Neighbour:——When Scales are in Equilibrio, every Man knows what a small Weight sinks the one; and here it may be a judicious Reflection, that the other is ever heighten'd in the same Proportion. Now as to Redress, I do humbly apprehend, that, penal Laws without other Expedients, will no more prevent this fore Evil, than the Presence of able Physicians without Medicines, can remove the Malady of a languishing Patient.

And what is more immediately alarming, the most valuable and necessary People for the Defence of these Island Dominions, are, for want of Bread at Home, entering by Thousands into the Pay, of those our also most dangerous Enemy, rendering them doubly more dangerous to ourselves; to which Pitch of Power, they already are arriv'd, to an awakening Degree, tho' from the last Extremity, and at the very Heels of a definitive Treaty of Peace. I will not presume to say any more on this Subject, but that Time will bring all Things to Light.

At a Chancery-Court holden at
Castle-Rushen, Aug. 6. 1747.

“ *James Parr*, - COMPLAINANT.

A N D

“ *James Justinian Hingston*, }
“ and, *Mary* his Wife. } Defend^{ts}.

“ UPON hearing this Action in Presence
“ of the Complainant, and of the De-
“ fendant *Mary* (the other Defendant being
“ off this Isle) the Complainant’s Demand is
“ for Diet, Lodging and other Particulars
“ charged by his Bill and exhibited to the
“ Court, amounting to the Sum of 3*l*. 16*s*. 2½*d*.
“ may appear; *to the Truth whereof, he made*
“ *Oath in Court, that the same is justly due*
“ *unto him from the Defendant James, and*
“ *that no Part thereof is paid unto him; there-*
“ *fore the Court doth Order and Decree,*
“ *that the said Defendant James, forthwith*
“ *pay or Cause to be paid unto the Complai-*
“ *nant, the Sum aforesaid with Cost of Suit;*
“ *and whereas the Defendant Mary (in her*
“ *Husband’s Absence) being confined in Prison*
“ *upon the above Action; it is further ordered*
“ *by the Court (pursuant to Answers given*
“ *by the Deemsters and xxiiii Keys IN POINT*
“ *OF LAW, to Queries propounded by Alex-*
“ *ander*

“ *ander Horn, Esq;* in the Year 1719, then
 “ Governor of this Isle, and recorded in the
 “ Exchequer-Book for that Year) *that SHE*
 “ *the said Defendant Mary, remain a Priso-*
 “ *ner until SHE gives in good and sufficient*
 “ *Security to pay the said Debt, before she*
 “ depart this Isle, or otherwise satisfy the
 “ Party therein.

“ *P. Lindesay.*”

In the Course of my long Sollicitations, I have been told by one (at first opening the Case) that I must be mistaken, as it cou'd not be; by another, that it was impossible; by others, that she, if imprison'd, must certainly be a separate Trader; but when I affirm'd, that such was in no Shape the Case, nor ever alledg'd against her, then say they, it must be conformable at least, to the Island Laws for themselves; to which I answered again in the Negative, that, it was vastly more opposite to them in particular, than even to the Laws of *England*, or perhaps of any Christian Court under the Sun; whereupon it was finally objected, that somewhat extraordinary which I knew not, must still be the Cause, otherwise, that no such Imprisonment could legally take place in these Dominions; but here I likewise asserted, that to my own Knowledge, nothing further was in the Case, and that she, nevertheless, was so imprison'd.

Now I am inclinable to think, that most of my Readers, with very good Reason, will say,
 that

that no Court of Justice in the King's Dominions, would presume to decree against an *English Wife*; "*that SHE remain a Prisoner until SHE gives in good and sufficient Security to pay her Husband's Debt,*" unless, that Court, was certain, that she (by a prior Contract, or, subsequent limited Legacy) had an independent Fortune of her own, and that they the said Court had taken this arbitrary Method to extort it from her; or else, that they her Judges were equally certain, that she was invested with Power over her Husband's Estate, and had laid that power down in their Decrees against her as a Foundation to ground their Sentence upon. Now, to clear up all Manner of Doubt, if any such Plea they had, it surely wou'd there have appear'd; but I do affirm, that none of these Obstacles, valid or not valid, were alledg'd or pleaded against her.

And, if hereafter, they pretend, to have conjectur'd that the Power was in her, then, their own Files will, and their own Comptroller and Keeper of the Rolls must, rise up in Judgment against themselves, and declare that he the said Comptroller himself, drew up a Power of Attorney, perfected by the said *James Justinian Hingston*, and sealed with the three-legged Seal of *Man* (*i. e. a Leg to kick each Kingdom*) which Power of Attorney the said Mr. *Hingston* transmitted to his Agent, and, in virtue of which Power it was, his Rents were all collected, and every Shilling remitted

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remitted to said Isle that had been remitted ; therefore they cou'd not have a stronger, a more convincing Proof, to know in their own Hearts, that the Power was not in HER, but in HIM. And now, that likewise this Debt, is not HERS, but totally HIS, we also find proved, I hope to their full Satisfaction ; for this Mr. *Parr*, is a very just Man, and his moderate Account and Decree in some measure shews his Honesty ; for he affirms to the Prisoner's Judges, or whole Government assembled, that, no Part of the Debt is due by HER, swearing by the Holy Evangelist, that, "*It is justly due unto him from the Defendant James ;*" whereupon they, (as you have just seen) accordingly decree, *that he the said James shou'd forthwith pay, or cause the said Debt to be paid*—Hence, it is obvious to every Man who will not stifle his Senses, that they, her said Judges, that Government, must be fully and clearly convinc'd, that SHE is both innocent of the Debt, and absolutely disqualified to pay, or secure it ; yet nevertheless, they, in their Rule of Court aforesaid, condescended to enter it on Record, not HIS, but THEIR Creditors, and at the same Time condemn'd her to Prison.

Nor is their quoted Authority for so doing less wonderful, because, they affirm it to be, "*pursuant to Answers given by the Deemsters and Keys IN POINT OF LAW to Queries propounded,*" but, whoever re-examines that Answer will rest satisfied, that, not a Tittle of
any

any Law, or Point of Law is therein mention'd, authorizing this, or any such Imprisonment, but will find the whole Answer to be truly this, and this only, "*that according to their Practice and Custom, the Wife as well as the Husband OUGHT to be confined;*" and here, what is worst of all, there never was an Instance of any such Practice or Custom there before; but as already set forth, is diametrically opposite to both their Laws and their Customs; nay, the Prisoner not even within the groundless Opinion itself; and therefore, as the Lady of Captain *Lowther* of *Ireland* has been imprison'd along with this one of *Great Britain*, and has now also lost her Liberty by the powerful Operations of said Opinion, I do humbly conceive it is become a Question of some Importance, whether, this base Opinion shall reign an establish'd tyrannical Law, to *deprive the fair Sex of the principal*, if not the only legal Privilege they enjoy?

The first Decree issued against the *English* Wife, at the Suit of the *Irish* Pedlar, is now before me, dated 5 *March* 1746-7, at which Time it was her Lawyer was silenc'd for having presum'd to edge near the Touch-stone and insinuate as if some Regard was due to the insuperable Reservations of a *British* Parliament. But this Decree to the *Manks* Publican, overrules her written Plea, there recorded on the 2d of *April* following, wherein, all the Powers that be, are strenuously pleaded as the
Guardians

Guardians of her Liberty; and which Decree appears to have been given against her, in virtue of the legal—or despotic Answer therein recited; yet, this Decree however, with all the rest, were Time after Time postpon'd until the 6th of *August*, being eighteen Weeks after every Individual expected and waited the final Result of the Court; from whence it is manifest (and is a palpable Aggravation of the Offence, if any Offence it proves to be) that they have taken Time sufficient to inform themselves of every Thing requisite, and therefore that, they have deliberately determin'd to pursue this Conduct, and to stand by it afterwards.

But were they ask'd what Kind of Compliment they imagin'd a certain Person wou'd long since have paid them, was he living; for several high Affronts to supreme Authority, Contempt of the general Laws of *Great Britain*, and the general Liberty of its People; who, in his Day, made a mighty Potentate tremble for only suffering a MEAN Subject of *England* to be huddled into an Inquisition Abroad: I say was that Community of Subjects asked this Question, they could not give it a pertinent Answer, without being sensible that they had plunged themselves into such a Labyrinth of desperate Difficulties, as not to be able to disentangle and rescue themselves from, and at the same Time, be powerfully convinc'd of the Mildness of our present happy Government: But still, 'tis presum'd, that

one little Society of impoverishing Subjects, will not be permitted to oppress all the rest in other Respects also. Was it the general Law of the Isle, these Prisoners would never complain:—And from whence they derive the Power to make, or swell up an empty Opinion into an absolute Law, a Law which cannot affect themselves, and exterminates the legal Liberty and Protection of the People who delegated to them all the Power they have, is a Mystery we hope they will be so good to reveal.

In reference to Mrs. *Hingston*, one of the modern Captives at home, when this Decree with all its foregoing Circumstances are seriously consider'd, and that her Husband contracted this Debt, and left Mr. *Parr's* House about three Months before ever she came to that Isle, it will appear beyond all Controversy, that, they have not used her as the Laws of Heaven and Earth require a christian Woman to be us'd, or in their own *Manks-Law* Phrase, “ *a Wife under Coverture and Subjection,*” but on the reverse, have laid an Attachment upon her for Mr. *Hingston's* particular Debt, as if she was his Cow, Horse, or *Guiney* Slave.

And therefore, if my having said, that she has groaned near three Years in a bare-fac'd State of Slavery in the Center of these three Kingdoms, shou'd happen to have given Umbrage to any one, I am sorry for it, because I can find no just Reason to retract; but rather still,

still, to inforce and add Weight to the Expression, by shewing, that they her Fellow-Subjects, by this cruel Condemnation, have reduc'd her from a protect'd *English* Wife, to a worse Degree than even our Negro Slaves themselves; for, was she Mr. *Hingston's* Slave instead of his Wife, she might be sold to pay his Debts, and thereby regain a more precious lost Liberty in its own Nature than theirs, the which they have robbed her of, by imprisoning of her, guiltless, and debtless, in a strange Land, to breathe over cold Charity or starve to Death.

In the summary State of her Case, publish'd early in the Year 1748, I have particularly set forth, that one *John Clarke*, for only asserting, "*that English-born Subjects residing in the Isle of Man, were Aliens,*" was there indicted for TREASON, and forfeited Body and Goods in the Year 1596, and that the whole Legislative Body attended upon the Occasion, proclaiming, "*that if any Person or Persons shall so offend for the future, they are deem'd Traitors, and shall forfeit Body and Goods.*" Now, as there is no Medium between an Alien and a Native within the (domestick) Dominions of any Prince, therefore, since it is Treason to call her an Alien, she must be deem'd a Native, *not of*, but *within* the Isle; and agreeable to this, they made a Law so late as the Year 1736, (but, whether a wise, or a foolish one, is not the Point, but that *Peter* *

* The chief Apostle.

as well as *Paul*, shou'd have the Benefit of it,) which Law declares, that no landed Man or Native, *not of*, but *within* the Isle, shall be imprison'd for Debt at any rate, nor even held to Bail, unless he previously made one or other of two Attempts to go off (as formerly particulariz'd); neither of which Attempts did the Prisoner make, nor was it pretended she did; nevertheless SHE is not only imprison'd TREASONABLY as an Alien, but, Bail trebly sufficient rejected, contrary to Law; yes, altho' she had attempted to go off, which she never did.

And thus, under the plausible Appearance of Law, they evidently act by absolute Will, I had almost said in scandalous Contempt of all Authorities here, as well as of their own Statutes; for, by stripping this Native of *England* of the Protection of its Laws, immediately under which she was born and bred; and by denying her also the Benefit of their native Laws and Privileges; they have not, through Ignorance, like the said *John Clarke*, lightly said it, but, by a tedious, solemn Confinement, prov'd, or at least decreed her, *an English Alien upon Record*; and therefore I do conceive, they have brought down with the highest Aggravation, that severe Sentence of their own ancient Law upon their own Heads, and fairly, I mean foully, broke through their new one.

I have often heard in that Isle, what by Tradition is currently reported amongst them, and as it comes tumbling so constantly in my way,

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way, I can hardly forego the Recital of it; which is, that a former Governor once asked a Deemster, how the Law stood in a certain Case, to which the Deemster reply'd, "*sometimes one Way, sometimes another, just as your Honour please*;" the which I am strongly of Opinion, was a concise, just, and full Explanation of the Point of Law propounded; for beside construing the late Law of 1736 to their own good liking as aforesaid, it appears by a short Review of the rest, that in the Days of Queen *Elizabeth*, it was Death in the Isle of *Man*, even to assert that Englishmen were *Aliens*; but now, it is good *Manks* Law and Equity, to strip them of both *English* and *Manks* Liberties. Again, the recorded Explanation of their Laws and Customs says, that ALL Strangers shall only give Security not to depart the Isle; but, in lieu of that Lenity, "*This English Stranger*" is doubly oppress'd, first, because the Debtor left Security for his Debts; Secondly, because Bail was tender'd, that the *innocent Covert* shou'd not depart, conformable to what the Law requires from an actual, uncover'd, Contractor; at another Time an Action of Debt against a Wife was decreed not good in Law, *tho', of her own contracting*; and again, quite contrary to that, the Explanation of the Explanation aforesaid, at last so accurately explain'd, declares, that the Wives of all Strangers OUGHT to be imprison'd, Guilty, or not Guilty, able, or not

not able to pay; at least they have construed it so, and act accordingly.

Now therefore, as it is not pretended that any of those Statutes have been repealed, 'tis plain the Deemster was deeply learned in the Law, because this (*Standard*) Solution of his hath often since receiv'd new Life, been cherish'd, and adher'd to, even unto this Day, namely, that "*their Laws are sometimes one Way, sometimes another, just as their Honours please*;" especially for ruling the rest of their Fellow-Subjects; and if what I have already represented is not convincing, I will, please God, e'er I finish, and from a yet fresher Cause, prove it as clear as Light from Darkness, or, beyond the very Possibility of all Dispute.

Howbeit, during my earnest Applications for Redress of this and other notorious Grievances, I have heard it objected, that the said Isle is a separate Government in itself; that they have Power to make such Laws as they think proper; and that their antient Laws and Customs are confirm'd: This peradventure is now become a Notion too general; but be it consider'd, that the said *Isle of Man*, for HIGH TREASON, was twice forfeited to the Crown of *England*, near two hundred Years after *Magna Charta*; therefore, I do not conceive how King *Henry* the 4th could without any Regard to inviolable Reservations constantly observ'd in all other Charters ever since, and for Centuries before he drew Breath

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grant them this Power over *English*-born Subjects, the which he never was invested with himself.

But suppose such unlimited Grants were made, and that he had Power to do it; which is going the utmost Length possible in their Favour; yet, still, upon this wild Supposition, they must produce a Law enacted in virtue of that Power, or prove this Proceeding to be their antient Law, or Custom, so confirm'd; otherwise, the whole Force of that Objection drops dead to the Ground; and, as they cannot do either, I fancy their famous Solution, and the Comments thereon, may serve for its Funeral; moreover, if it is an absolute independent Monarchy, and to pay no Homage, nor Regard to the Crown of *England*, why is it TREASON by their own Law to call *Englishmen* Aliens? And why shou'd King *Charles* the Second summon over the whole Government of that Isle, and cause them to be try'd, imprison'd, and otherwise punish'd here in *London*, for exercising an Authority over one of their own Vassals, even a *Manksman*, contrary to the general Laws of *England*, as he did, unless they were accountable to, and punishable by the Crown of *England*, whenever they exceeded the Limits of their Authority? Hence, that they are so accountable, and punishable, and the aforesaid Objection, upon any other Terms, ill-grounded, needs no farther Refutation; — otherwise, it
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wou'd be a wonderful Seclusion of Subjects, indeed.

And therefore I say, that if the Legislature of *Great Britain* took a critical Review of their Charter, and the Act of Settlement by which they now exist as a Community, together with the sundry Reservations therein contain'd, and at the same time as diligently sifted and examin'd, how far they extend the Grants, and violate the Reservations by these and all other their Proceedings and Practices within and without the said Isle; upon confronting the whole, they wou'd, without recourse to such strain'd Interpretations upon the one Side, as are most evident on the other, be soon made sensible, that their Existence, as a separate Government, stood on a precarious Foundation; and likewise (*for similar Reasons*) the imminent Danger they are in, of their Charter, or Roll, ending very much like that in *Ezekiel's* Vision. *

With this essential Difference after all; that far be it from me, either to hope or aim at its being attended with Lamentations, or Mourning, or Wo;—No, not to any one of the whole Community, even him who offend-ed me most; no, all these doleful Things will be remov'd afar off, in the midst of a dangerous Enemy and their Ally, both, powerful Rivals in universal Trade; and then, all Parties at home, from highest to the lowest, taste

* Read the very short CHAP. ii. and the first nine Verses of CHAP. iii. otherwise the next Paragraph will be unintelligible.

taste abundantly and continually the Sweetness of the Roll, in a way more profitable to all, and exceedingly more honest and politic than at present. Therefore, as I have drawn the Sword, I beg leave to fight out my whole Battle (and tho' I am not a commission'd *Prophet*, yet I am a trusty Servant to our temporal King, and have Four Times in so many different Offices sworn to be true and faithful to him; and I have been among them; and tho' *my Face is not strengthen'd*, yet my Heart, I hope from commendable Zeal for his Majesty, and the Safety, Glory and Happiness of his Kingdoms, is in some Degree harden'd against them, but totally so against all their illicit Practices, and I *fear them not*); and as Combatants are sometimes forc'd to act upon the Defensive, as well as Offensive, I cannot avoid adding one thing more, else, I shall be charg'd with a Lie; having frequently stiled the Prisoner, the *guiltless*, the *innocent* Sufferer; whereas they charge her, (hop-hazard, or upon meer Conjecture) with being guilty of *Combinations* and *Confederacies* with her Husband;——*A strange unheard-of Crime indeed, as it regarded nothing but his Safety and Welfare!*——Yet, as far as I know her to be, in their Stile, guilty, I will faithfully declare.

When Mr. *Hingston* disappear'd, I asked her as a Friend, who advis'd him to it? But she first and last affirm'd she knew not; neither do I, or whether any Body did, as the

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Lord is my Record, nor that either of them was in the World till I first saw him in that Isle: And when they had seiz'd his Wife (*in a few Months after her Arrival*) together with every individual Thing in her Lodgings, and had read to her one of the seven *Attachments* then already issu'd against her, and the rest of the Goods, she disavow'd that silly, as well as surmis'd Charge of *Confederacy*, or any thing else dishonourable, telling them, whatever was Truth she wou'd not deny; then frankly own'd, that her Husband had express'd himself to her in these Words, *viz.* " *Molly, they are playing the Devil with me in this Island, and I am resolv'd to leave them, and will go to my Friend Mr. Cooke's, where I shall be welcome for a time at free Cost; and I will remit the Money as fast as I can [which he did] and leave you here to see my Deeds released, and to bring them home in Safety;*" to this she added her strongest Assurances that they had no dishonest Intent; and, as those Deeds in their own Hands were the Foundation of his All, that he wou'd not leave them behind him (otherwise than for their Security and under her Care) for double the Money due, &c. &c.

Now, what is here remarkable, is, that among other things, they seiz'd his Wife and a very small Box belonging to her; and several of his Creditors being present, they insisted to see what the Box contain'd, and found therein her Trinkets, and his Papers, among which were the Creditors' own Accounts, Receipts, and

and the Bond of 100*l.* aforefaid. Having fatisfied their Curiofity, the Officer, Captain *Murray*, prudently faid, “ Madam, do you lock your Box and keep the Key for your Satisfaction, and I will feal the Side and Cover together for mine;” which was accordingly done; and yet after all, they, when they had transmitted her to Jail, took it in their Heads without further Authority, to break open both the Seals and the Lock of her faid Box, altho’ they had rummag’d it before; neither did they make any Secret of it. This Violence committed, when no one was to controul or contradict them, whether they new modell’d their Accounts, destroy’d their Receipts, or, cancell’d the 100*l.* Bond, I know not, but certain it is, they, by a lawlefs Act, put it in their Power fo to do.

Upon which I went to faid *Murray*, (a Gentleman of *Scotland*) told him as above, and that he well knew it was Felony in the reft of the King’s Dominions, to break open Locks, and take Things out; that if it was chink-full of Gold or rich Diamonds, they had it feurely lock’d up in their own Poffeffion, and ought at leaft (if no evil Intent) to have waited till the Sitting of the Court, which then was to be in a Day or two after; to all which Mr. *Murray* reply’d, “ *that whatever they did, they would juftify*;” and that of late they do, and at this rate will (*among themfelves*) juftify every bafe Imposition upon the reft of their Fellow-Subjects, is too true; and well I may

add, why not, because the same, late, *twenty-four Keys*, whose Names are inserted, gave in also for Answer, that there was no Law in the *Isle of Man* to punish TREASON against his MAJESTY; which Declaration I believe to be true, because, the People of that Isle transacted free and unconcernedly in the Year 1746, Affairs much of the same Nature of those, for which at the same time, the People of *England* and of *Scotland*, were stringing up at *Tyburn* by Dozens.

From what is set forth, 'tis plain they have accus'd the Prisoner, without either Knowledge of their own, or any Information against her; and that afterward, the Court condemn'd her to Captivity, without the least Evidence to support that (self-empty) Accusation; and thus, where no Examinations are lodg'd, nor yet upon Trial, any Proof against, an Acquittal constantly ensues, to all Persons, in all Causes, and among all (other) christian People; nay I may venture to add Barbarians and Savages; but if not, I leave them and these, in this *Confederacy*, or at least to patronize each other. *

Now

* As I have shewn myself to be an Advocate and a Stickler for the fair Sex in general, so, I have been labouring incessantly above Three Years, to bring on the Carpet, this audacious Attack on their dearest Privilege, this *African Slavery* impos'd upon them, by the *Bashaws* in the *Isle of Man*, with Intent to have the Offenders chastis'd for the Evil, that a general Good might spring up therefrom. And, as at this Period I cannot affirm that Cognizance will be taken of it, I shall only say, that I wou'd, were I a Lady of Fortune and Influence, rouse up a laudable Spirit of Resentment among my Sex, make

Now since that petty, internal Government, are become so arbitrary as to punish their surrounding Neighbours at Will, I am driven to contest the Self-sufficiency, of this false, and ridiculous Accusation, their Decrees thereon, and all such Decrees, as the Proceedings of a Christian Court; the which I do dispute, by starting this Query for their Solution, *viz.* "Whether, she the said Captive at her Marriage, was not, by Institution of the Almighty, united in such a Close Combination and Confederacy to and with her said Husband, as leaves it not in their Power at this Day, to constitute her a new Confederate to him?" — Upon quite opposite and contrary Conditions, that is, making it Criminal in her, to submit to her Husband, or keep his Secret, in a Case which alone regarded his Well-being, free from Fraud or fraudulent Intent.

But as I know by Experience, that Hints of any Protection to her from on High are Matters of Laughter to them, I, therefore (to avoid

a Point of it, and bring them at least to a severe Trial at Law, to know whether so vile, so detestable a Practice, shall take Root in British Dominions or not. And lest all at last should die away in Silence, I will now to amuse the Grave of both Sexes, and for my own Satisfaction, endeavour to prove this Practice inconsistent with the Law of God: Not, to stir up Men to act more rigorously, but to prevent the tender Sex from being stripp'd of the Immunities they justly enjoy; and while Men read their own Authority, I hope they will soberly reflect on the reciprocal Duties incumbent on them, *viz.* that the fair Sex are to be tenderly used, and cherish'd even as Men would their own Flesh. Now, whoever is of Opinion that Authorities out of Holy Writ, are no way pertinent to the Prisoner's Defence, is requested to turn over three Leaves, passing it by, the same as if not incerted, and beginning at the * in Page 74.

avoid chagrining of 'em too much) will give them an Opportunity of renewing their Mirth by Laughing at it again in Print, in Unity with all those who impiously deride Things sacred; and then leave them to shew how they can justify her Punishment, as there is no Foundation for it under Heaven but because she is Mr. *Hingston's* Wife, for if she was not his Wife, they had no more to say to her (after the offer'd Payment of her own Expence) than to an Infant of *California*.

In the mean time, her Case, and their Charge against her, apparently stand thus; "*she being a Wife, did first make a solemn Vow in the Presence of God, to serve, honour, and obey her Husband;*" but truly her Crime is, because she did not break that sacred Oath, turn Traitor to him, and cause him to be cast into Prison; * for I do affirm, that nought else but *Combination and Confederacy* is charg'd in the several Actions, nor one tittle but that, and that unprov'd to this Day, was even insinuated to the Court against her; and therefore, e'er they dispute her State of Obedience, together with the Authority for it; I would recommend them to read *most seriously*, in *Gen.* chap. iii. the Sentence pronounc'd upon their first Parents, when—by their Transgression—their Nakedness was discover'd; and they will find—that the Lord
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* *Query*, Whether her Imprisonment for that Reason, *i. e.* for not acting against her Conscience, equals not the Inquisition Abroad just mention'd?

God dissolved THEIR first Settlement, and curs'd the Workmanship of his own Hands, for THEIR Violation of his Law, (*a Precedent of the highest Authority, as well as of the greatest Antiquity;*) and among other high Decrees, so feelingly in force at this Day, that the Lord God said unto the Woman—" *and thy Husband shall rule over thee.*"

This being the Case, they have first—*blasphem'd the Word of the Lord in Heaven*, by reversing his supreme Sentence, and fixing Wives in the Degree of Confederates upon Equality with their Husbands;—and then broke through the Law of their King upon Earth, by enslaving this Wife as such a Confederate, without proving, or even desiring to prove the unpunishable Fact upon her;—*Oh, wretched, miserable, State of a British Wife!*

But to come nearer our own Times; the Almighty's supreme Decree aforesaid, was renewed and reconfirm'd above four thousand Years after; and, as they are Professors of Christianity, I hope what follows will likewise merit their serious Consideration. Here I pass over many Authorities to my Purpose, and content myself with these few, to wit,

Col. iii. 18. "*Wives, submit yourselves unto your own Husbands, as it is fit in the Lord;*"—But these modern *Manks* Rulers Decrees, and this Wife's Chastisement thereon, signifies it a Thing unfit to be observ'd.

Titus ii. 4, 5. "*Teaching young Women to be obedient to their own Husbands, that the*
"*Word*

"*Word of God be not blasphemed;*"—a dreadful Expression; nevertheless, they have punish'd this Woman, because she paid him that Obedience.

Eph. v. 22. "*Wives, submit yourselves unto your own Husbands, as unto the Lord;*"—What kind of a Christian Court must that be, which enslaves a Wife for so submitting?

Verse xxiii. "*For the Husband is the Head of the Wife, even as Christ is the Head of the Church;*"—here, they must either deny that Supremacy, or confess their Condemnation unchristian, for scourging HER, the helpless Innocent, for HIS, the Ruler's Guilt.

And Ver. xxiv. "*Therefore as the Church is subject unto Christ, so let the Wives be to their own Husbands in every Thing;*"—and yet, notwithstanding all these peremptory Commands, they, as a Christian Court, condemned and cruelly punish'd her, as a christian Wife; why? Because she so subjected herself, in Obedience to the Will of Heaven; * and thus do they, as it were, magnify themselves even against the Lord of Heaven, in Derision of her Protection from on high.

This, however severe, they must either acquiesce in; or else shew how it can be reconcil'd to the immutable Justice of God, first, to grant all the Authority to one half of the

* If she had turn'd a rebellious Traitor to her Husband, they, infallibly, wou'd not have condemn'd her;—and therefore, as she did not, but paid him the Obedience commanded, this, consequently, is the Cause of her Punishment.

the World, and then punish the rest, for that which they have no Power left in them either to prevent, remedy or redress; and it being, I presume, upon this Divine Law, that the Law of this Realm is founded; and from the Law of this Realm, theirs is deriv'd, or hath its Sanction; they are therefore secondly to shew, where, or how, the dispensing Power is in them; explaining also, this Imprisonment into Justice—Justice legally executed under both supreme Heads, upon the Body of an *English-born Wife*; and how at the same Time it comes to pass, that by the same Laws of Heaven and Earth, or any Law, a *Manksland Wife* cannot possibly be molested; these, are two material Points added to the rest; all which (in a Christian Kingdom,—and where we boast so much of that darling Word *Liberty*) are, for a Diversity of essential Reasons, incumbent upon that inferior Government to clear up; which, if they cannot, must lie unperform'd to their Confusion, or if dormant, perhaps to a worse.

Finally, in solving these latter Queries, to help them on a little, I refer them back to the Book of *Numbers*, where they will find, *Moses* began the 30th Chapter, saying, “*this is the Thing which the Lord hath commanded;*” and he ends it in affirming as followeth: “*these (says he) are the Statutes which the Lord commanded Moses between a Man and his Wife;*” that if a Wife swears an Oath, or makes a Vow unto the Lord, so as to bind

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her SOUL with a Bond, if her Husband did allow her on the Day that he heard it, then he shall make her Vow which she vowed, and the Bond wherewith she bound her SOUL, of none effect; and then to reconfirm it, he adds with yet greater Energy or Force of Expression, *viz.* “ *but if her Husband hath utterly made them void on the Day he heard them, then, whatsoever proceeded out of her Lips, concerning her Vows, or concerning the Bond of her SOUL, shall not stand; her Husband hath made them void, and the Lord shall forgive her;*” again, “ *and the Lord shall forgive her;* from whence, to the strongest and clearest Demonstration it appears, that, the aforesaid petty Government most presumptuously arrogate to themselves, a more absolute Authority over the BODIES of *British* Wives, than even God Almighty hath reserv'd to himself over their IMMORTAL SOULS. *

Upon

* Left it may be imagin'd, I level chiefly at His Grace the Duke of *Athol* Lord of that Isle, I cannot proceed and set my Mind to rest without declaring (free from either Fear or Adulation) that such is not the Case; I have as high Honour for His Lordship, as any Independant can possibly have: And Justice and Truth call equally upon me to acknowledge his Grace's Conduct upon my first Application to him: It happen'd, that he, that very Evening had set out for *Scotland*, whereupon I made an extraordinary Push, and at Eleven at Night when his Grace was just prepar'd for Bed (five Miles beyond *Hatfield*) I sent in the Prisoner's Petition, which he read, and desir'd me in; and altho' he intended to set out at Four in the Morning, which he precisely did, nevertheless His Grace sat up till one, using me with that Condescension and Complaisance, as at such a Time surpris'd me, patiently hearing me out, and examining

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Upon the whole, as to what I have advanced touching Divinity or Points of Law, I submit to those learn'd therein; but as to Matters represented as Facts within my own Knowledge, I yield up to no Man; nay, the most essential Points of all, carry their Evi-

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closely into the Case: At length he called for Pen Ink and Paper, desiring me to write Duplicates of his Agent's Name and mine, with our respective Places of Abode; which done, he said, "Do you keep one, I will keep the other, and send it to my Agent, that you may know where to find each other, and I will make Enquiry into these Proceedings, &c. &c."

Having waited above three Months, I sent a Remonstrance to His Grace to *Scotland*, and at his Return to *London*, I waited upon him; when, among other Particulars, he mildly expressed these Words, *viz.* "I cannot tell what you would have me do, unless you would have me give up my Privilege—or pay HER Debts:" Which last Expression, His Lordship as a Briton could not have used, had it not been coin'd and transmitted to him by his Officers in the Isle, who well knew that no Debt either was or could be due by her. How His Grace himself hath been and suffered others to be impos'd on in dangerous Points, I must leave to higher Powers and His Lordship to determine as unto them shall seem meet.

Concerning his Gentry in the said *Isle of Man*, I have no Objection to them in their private Capacities, on the reverse, I would go great Lengths to serve many of 'em: But as a Legislative Body and Government, I quarrel with them, I apprehend, upon a just Foundation, which, should any one doubt, I have other weighty Matters beside the Oppressions herein set forth, which I am certain would expel all such Doubts; nay even the Lord of the Isle himself, is, and hath been to their Face made a Party against them as appears in Mrs. *Hingson's* Pleadings, Page 13. of this Pamphlet.

If I can be instrumental in preventing base Infractions on the Privilege of the fair Sex;—in doing a great and public Good;—in augmenting and securing the Benefits of the People of that Isle to themselves and the Lord thereof, by transforming the present Means or Foundation, from *precarious and wretched*, to *permanent and upright*;—I think I am labouring at that which is just in the Sight of God, and commendably so among all good Men: Upon this Principle I act, and these are the Motives which excite me so warmly and steadily to it.

dence in themselves from under their own Hands: And at present, to me it appears they will not be able to warrant this Conduct neither by the Laws of God, of *Britain*, nor of Man; if so, this, invincibly is a false Imprisonment, and if a false Imprisonment, they have illegally done her an Injury beyond the Possibility of Redress; because, for want of the usual Necessaries of Life, lockt up in an old Castle, confin'd to unusual Damps and Cold, it brought on her rheumatick Pains, Phthisick, &c. throwing her into a violent Illness which very nearly had cost her her Life, being reduc'd to Death's Door and publicly pray'd for: Yet all this had no Effect on her Judges, she was still closely confin'd let the Issue prove as it would—tho', to no Purpose but their Pleasure.

Hence, she probably is made miserable all the Days of her Life: If bereft of Health, the whole World, much less they, cannot make her full Recompence; nevertheless, if in his Majesty's Dominions her Captivity is legal, neither she, her Friends, nor Fellow-Subjects have Cause of Complaint; but contrariwise, if it proves to be a cruel and barbarous Oppression, tyrannically impos'd upon her, it is humbly hoped, that those who are the Guardians of her Liberty will prevent all such Grievances for the future, and cause such Reparation to be made her, as only can, for an irreparable Injury done. And to fill up the Measure of her Adversity, her Husband, herself

self, and their Son, have, by means of this Confinement, critically lost a Family Estate of about 120*l.* yearly for ever, at least the Reversion of it after the Death of a Widow advanced in Years, beside a large Legacy in ready Cash; which, from other Information beside theirs, I am satisfied they will find but little Difficulty in proving:—Courteous Reader, whoever thou art, that says, *what stuff is this*, think seriously I beseech thee; if the whole was your own exact Case, you would not judge lightly but grievously of it, and be anxious to have it added to all the rest of your bitter Sufferance, when laid before those from whom you reasonably hoped for Relief.

Soon after the seven last Decrees were issued, and at the Approach of Winter, when nothing but a Scene of Misery lay before her, Stone-Walls, Cold, Hunger, bodily Health declining, and her Mind overwhelm'd with Grief; her Lawyer deeply affected thereby, drew up another long Petition to the Government there, truly representing all her Calamities, her Innocence and Inability in a strong Light, of which, I shall only extract a small Part, to wit: “ That she is so far from being
 “ able to give in Security or pay her Husband’s Debts pursuant to Sentence, that
 “ she, long since, must have inevitably perished for Want, had not some charitable
 “ Persons in Town commiserated her melancholy and distressed Condition, and hitherto supplied her with the Necessaries of Life,
 “ paying

“ paying even for the Bed whereon she lay;
 “ and this, beyond what they could afford,
 “ or had Power to continue any longer, &c.
 “ &c. So that she must necessarily starve un-
 “ less your Honour intervene with your dis-
 “ cretionary Power; otherwise, she is doom’d
 “ not only to Imprisonment, but in effect to
 “ the worst of Deaths, *viz.* to perish for
 “ want of the common Support and Conve-
 “ niencies of Life, and that, not for her own,
 “ but the Extravagance of others, &c. &c.

Then follows, this remarkable Precedent,
 quoted to draw down a Compliance to this
 Petition if possible: “ In this distressed Con-
 “ dition she humbly implores your Honour’s
 “ Relief, and begs leave to represent to your
 “ Honour, the discretionary Power the late
 “ Governor *Murray* was pleas’d to use, in a
 “ Case not by many Degrees as deplorable as
 “ your Petitioner’s, who informed Mr. *John*
 “ *Kelly* of *Peeltown* Merchant, upon the Trial
 “ of an *Action* which he had against two
 “ Debtors Natives of *Scotland* for Debts con-
 “ tracted by them in the Isle; that as the
 “ said Persons had nothing to support them, if
 “ he the said Mr. *Kelly* wou’d not maintain both,
 “ that he wou’d instantly discharge them.”
 Then follows the Prayer, *viz.* “ And as your
 “ Petitioner is destitute of all other Relief,
 “ she humbly hopes that your Honour will
 “ be graciously pleas’d to grant her the Bene-
 “ fit of that moderating Power, according to,
 “ &c. &c.” But this Petition, like the rest,

was

was flatly rejected ; and so ended all Application to the Government in the *Isle of Man*, either for Redress or Relief.

I have here a fair Opportunity of making some severe though just Reflections ; but considering their particular Tendency I decline it, and shall only ask a familiar Question or two, *viz.* That if the moderating Power just mention'd, was lawful in the late Governor *Murray's* Time, why is it not lawful in the present Time ? Or, if it is an absolute Power in the Governor, why was that Compassion shewn to MEN, *so early as at trying the Action*, who, were themselves the Contractors and Debtors, probably with Money in their Pockets ; and denied to a distressed Wife, who neither contracted nor cou'd pay any Debt, *and in Goal, half-starv'd, on Charity* ? And they will also be pleas'd to explain, why it was then, both lawful and reasonable that ONE Person should be compell'd to maintain two Men from the first Hour, or see them instantly discharg'd, tho' legal Prisoners and real Debtors : And now unlawful and unreasonable at the End of six Months Confinement, that EIGHT, or at least six responsible Persons shou'd support only ONE indigent Woman under Coverture who owed no Debt, and *by their native Law*, not liable to it if she did, and still imprison'd ? These, with the rest, make up a Scene of dark Deeds for their Illustration.

To this admirable Case of Mrs. *Hingston's*, I thought to have subjoin'd the more extraordinary

dinary Case of *Jane* the Wife of *Arthur Lowther* Esq; of *Ireland*; but shall only insert a Part of it, which I must do to fulfil a Promise yet unperform'd. The People of the *Isle of Man*, invented or harbour'd an idle Imagination that Mrs. *Hingston* had entered into a new-found Confederacy with her Husband, which is all the frothy unknown Crime charg'd upon her; but they cou'd have no such Pretence against this other, because, Capt. *Lowther* frequently went to *Ireland*, not as a Smuggler, that he scorn'd, but to see his Friends and account with his Tenants, &c. and when he last went thither, he had the Governor's Pass, the free Consent of his Creditors; every one knew, two Months before, of such his Intention, and agreeable thereto he openly and legally embarked: In some Time after his Arrival in *Ireland*, he was seiz'd with a tedious Fit of Sickness, insomuch that he could not adjust his Affairs, and return when expected; upon which, they cast his Lady also into Prison along with the other, altho' HER Husband went by the Approbation of all, was a settled Inhabitant, had a House and large Family, Dwellers in the capital Town near ten Years, in great Esteem. Every body there, finding Mrs. *Hingston* was made a Principal in her Husband's Debt; *John Quillin* of the same Town to whom 10*l.* 15*s.* was due, desired Mrs. *Lowther* to give him Security, thinking her qualified to do it from the Precedent before them; which she readily

readily did, by assigning over to him some household Goods above seven Weeks before any Disturbance had been given to her : And I have now before me, an attested Copy of the Proceedings against the said *Jane Lowther*, setting forth, that *Rob. Quayle* and *Nich. Bridson*, had laid *Attachments* upon her and all the rest of her Husband's Effects, together with those assign'd to *Quillin* : Whereupon, said *Quillin* petition'd their Government to secure him his Property, and the Cause was soon brought to a Trial ; upon which, the opposite Party made several Objections as to the Legality of *Quillin's* Assignment and Property in said Effects ; but I shall only insert the last Objection transcribed by the Court, together with their Decree thereon, which run in these Words following ;

“ And it being also objected by the Creditors
 “ (*Rob. Quayle* and *Nich. Bridson*) that she the
 “ said *Jane*, could not make any Deed of
 “ Transfer or Assignment of the said Effects,
 “ *under Covert of her Husband*, as she appears
 “ to have done in this Cause by her Deed
 “ of the 8th *April* last past ; and that in re-
 “ spect of such *DISABILITY*, the Deed as to
 “ them IS UTTERLY VOID : Which Objection
 “ the Court HOLDING TO BE GOOD, therefore
 “ this Petition is ordered to be dismissed, and
 “ the same is hereby dismissed accordingly.”

“ P. Lindefay.”

Exa. per me,

John Quayle, Comp. & Cler. Rotul.

In the beginning of this Proceeding, it appears, that Mrs. *Lowther* was committed to Prison for her Husband's Debts; and at the end of it (*in the same Sheet of Paper*) we find, that the Court have taken away those Goods from *Quillin*, and have given them to the other Creditors, by decreeing that she was disqualified to transfer them, *as being a Woman under Covert of her Husband*; and yet, wonderful it is, that *decreed Coverture*, cou'd not save her from THEIR more than royal Will.

And to shew what Lengths they run, I beg a short Remark concerning Mr. *Quillin* and Mrs. *Lowther*, for now, they the said Government, if they wou'd, cannot stir an Inch neither backward nor forward in Relation to them, except in a despotic Way; because, Actions being granted to *Quayle* and *Bridson* against Mrs. *Lowther*, it will, beyond all dispute, be Arbitrary in them,—*to refuse granting an Action against her* to *Quillin* as well as to his Neighbours and Fellow-Subjects. And upon the other Hand, it will be ridiculously Arbitrary in them,—*to grant him an Action against her*, for that very Debt which she already had secur'd him in, and which Security they took from him by decreeing HER, *as a Wife, disqualified by Law to give it*.

Here therefore, their antient Law, which annihilates their modern Opinion as aforesaid, is brought down in full Force and Virtue to their own Times, and laid at their own Doors; for now, it is manifest, that by their said antient Statute, they themselves have decreed Mrs.

Lowther,

Lowther, "a Wife, or Woman under Covert," to be as no body in Law, and if she is as no body by their Law, their Law cannot possibly take hold of her; evident therefore it is that the Loss of her Liberty centers in absolute Power.

Another arbitrary Step is, they pay no Regard to the pretended Law by which they now imprison all Wives except Natives, farther than it squares with their good liking; otherwife, they would have suffered her Payment to stand good, as it ought since they have made her a Principal in her Husband's Debts: But to their indelible Shame and Reproach be it spoken, that the Day and Hour in which they had her a Prisoner under their own Actions of Arrest——*as being the Debtor's Wife!* They, in that very same Hour made null and void the honest Payment which she did make, by decreeing her disqualified to make it; why?—*Because she is his Wife!* This, in a figurative Sense, what less is it, than if a Man shou'd bind his Beast fast to a Stake, and then whip him severely because he went not forward!——Such is the Usage of Mrs. *Lowther* a Protestant of *Ireland*, brimful of zealous Loyalty; who chiefly supported Mrs. *Hingson* till she was cast into Prison herself: From this unexampled Arrogance, 'tis plain, the said, delegated little Government, act with an Authority more like that of GRAND SEIGNIORS than *British Subjects*, and that these Women are real Captives in an abject State of Slavery under the one, as truly as ever *Englishmen* were inslav'd under the other.

But why am I astonish'd at all these things? Because, in another Oppression complain'd of and set forth in Mrs. *Hingston's* Case formerly publish'd, are these Words (and the Conclusion then drawn from them is most truly come to pass) *wiz.* "And also that she (*the said Mrs. Hingston*) another of his Majesty's most immediate Subjects, hath now lost her Liberty by a preposterous Imprisonment *vi & armis*, unguilty and without Law, and that public Complaints of these Oppressions are made to the supreme Authority; should it nevertheless be pass'd over in Silence with Impunity, it will leave a Door open whereby Numbers of these three Kingdoms will be expos'd to future Oppressions without Relief; not only in this Form, but encouraged from hence they will probably lay a heavier Yoke upon them, as being independent of, and unaccountable to any Superior; and will naturally construe such Silence on this extraordinary Occasion, as a full Permission to act in every Shape agreeable to their own Will armed with despotic Power."

And that they have since acted as if they were so armed, their Treatment of Mrs. *Lowther*, hath, I conceive, sufficiently testified: Yet, still, by just confronting the whole, these flagrant Oppressions will appear in a more blazing Light if possible; to which End, be it consider'd, that Mrs. *Hingston* of England, and Mrs. *Lowther* of Ireland, are both Wives upon the self-same Conditions, the one, invest-

ed

ed with no more Power or Ability than the other, both under the Protection of the same general Laws and of the same King: And yet they have been cast into Prison by the Subjects of their Fellow-Subject, and held there under opposite Restraints and Compulsions, gazing one upon the other with just Amazement. Now to illustrate this Point, I must transcribe the Decrees which condemn'd them to that Imprisonment, leaving these unparallel'd Decrees, that against Mrs. *Lowther* to contradict itself, as aforesaid; and both staring each other in the Face for ever, as followeth.

First, in reference to Mrs. *Lowther*, and her Assignment to *Quillin*, it is to be observ'd, that the Court have taken no Notice at all of the first Objections, but have grounded their Sentence against her Authority and his Security, wholly upon the last, which last I therefore have inserted, and here follows briefly its Substance and the Decree thereon: The said *Rob. Quayle* and *Nich. Bridson* have made it their last Objection, that Mrs. *Lowther* could not make any Deed of Transfer *under Covert of her Husband*; adding these emphatical Expressions, viz. "*and that in respect of such* DISABILITY, *her Deed is* UTTERLY VOID," and this we find confirm'd in these Words; "*which OBJECTION the Court HOLDING TO BE GOOD, therefore this Petition is ordered to be dismissed:*" Than which, no stronger Proof can be produc'd, to make it undeniably clear and evident, *that they have decreed Mrs. Lowther disqualified by Law to give in Security*

erty to pay her Husband's Debts;—as being a Woman under Coverture: And again, in point-blank Opposition thereto, *they the same Court and identical Persons, holding the above Objection* NOT TO BE GOOD, have decreed against Mrs. Hingston the other Captive—and Woman under Covert of her Husband; “That SHE remain a Prisoner, until SHE gives in GOOD AND SUFFICIENT SECURITY to pay her Husband's Debts!” Attentive Reader, have you it not here in one View, and is not this manifestly decreeing? *That she, as a Wife, must do that, which they have decreed, that she as a Wife, is unable and disqualified by Law to perform:* Yet, truly, you see, that by their same Sentence pronounc'd, she nevertheless must perform it under the Penalty of perpetual Imprisonment.

And therefore, when all these their Proceedings are duly, as well as maturely considered, if it appears not even to Demonstration, that they the said Government tyrannize at Will over the Natives of *Great Britain and Ireland*, as if really armed with despotic Power; and that their (*Manuscript*) Laws “are sometimes one Way sometimes another, just as their Honours please,” I shall not for the future know how to believe, that the Wind blows sometimes East, and sometimes West, nor any other Evidence of my Senses.

F I N I S.

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